International Review of the Red Cross (2025), **107** (930), 961–998.
Symposium on Colombia's JEP & Selected Articles
doi:10.1017/S1816383125100635

IRRC

Reporting activities under international humanitarian law

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Abstract

International treaties commonly request States to submit periodic reports on measures adopted to facilitate compliance with relevant obligations, permitting them to identify shortcomings and develop appropriate policies, promote transparency and facilitate the exchange of good practices. International humanitarian law (IHL) might appear at odds with this approach as its core instruments do not establish a periodic reporting procedure; indeed, only limited reporting activities have been required from States party to the Geneva Conventions and their Additional Protocols. The present paper challenges this perspective, exploring mandatory periodic national reporting activities provided by other treaties forming part of the IHL framework, as in relation to cultural property and weapons systems, as well as more informal reporting mechanisms on IHL developed outside treaty regimes, including those addressing organized armed groups.

† While this paper is the result of joint efforts, Giulio Bartolini has drafted the introduction and parts 1 and 3, while Sofia Poulopoulou was in charge of part 2 and the conclusion.

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https://doi.org/10.1017/S1816383125100635 Published online by Cambridge University Press

Taking stock of existing approaches and practices, the paper identifies relevant trends, opportunities and challenges for IHL reporting activities.

Keywords: reporting obligations, compliance, national reports, armed groups, international humanitarian law.

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Introduction

Periodic national reporting activities carried out by States form part of the compliance system of several international law treaties. Conversely, international humanitarian law (IHL) might appear at odds with this approach as its core instruments – namely, the four Geneva Conventions of 1949 and their two Additional Protocols of 1977 – do not establish a periodic reporting procedure. Indeed, only limited reporting activities have been required from States party to these instruments.

Article 28 of the 1906 Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field, after requiring States to adopt measures to repress violations of the Convention, asked them to "communicate to each other through the Swiss Federal Council the measures taken with a view to such repression, not later than five years from the ratification". Even if the International Committee of the Red Cross (ICRC) recognized at the time that this obligation of information-sharing was not largely observed,[1] it was similarly reiterated in Article 29 of the 1929 Geneva Convention on the Wounded and Sick, and largely replicated in the 1949 Geneva Conventions, through common provisions according to which

> [t]he High Contracting Parties shall communicate to one another through the Swiss Federal Council and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.[2]

This obligation was thus partly softened, without providing a time limit for the implementation of such measures, and furthermore, the proposal to include similar

1 Paul Des Gouttes, *La Convention de Genève du 27 juillet 1929*, International Committee of the Red Cross (ICRC), Geneva, 1930, p. 211.

2 See Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949, 75 UNTS 31 (entered into force 21 October 1950) (GC I), Art. 48; Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949, 75 UNTS 85 (entered into force 21 October 1950) (GC II), Art. 49; Geneva Convention (III) relative to the Treatment of Prisoners of War of 12 August 1949, 75 UNTS 135 (entered into force 21 October 1950) (GC III), Art. 128; Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War of 12 August 1949, 75 UNTS 287 (entered into force 21 October 1950) (GC IV), Art. 145.

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reporting obligations for provisions on criminal repressions, in order to put "a certain moral pressure on the legislators",[3] was not endorsed. Moreover, as with the 1906 Geneva Convention, compliance with the obligation to share relevant laws and regulations by States party to the 1949 Geneva Conventions has been limited. As recognized by the ICRC in 2020, "[a]t the time of writing …, the majority of such documents seem not to have been communicated by the High Contracting Parties as required".[4]

As for the Additional Protocols, it could be noted that an attempt was made to enlarge reporting obligations. Resolution XXI of the 1965 20th International Conference of the Red Cross and Red Crescent (International Conference) expressed "the wish that Governments and National Societies submit periodic reports to the International Committee of the Red Cross on the steps taken by them" on IHL implementation and dissemination,[5] and some reports were arranged accordingly.[6] On such a basis, the text originally proposed by the ICRC on the current Article 83 of Additional Protocol I (AP I), dealing with the obligation of dissemination, requested parties to report to the depositary of the Conventions and to the ICRC at intervals of four years on the measures taken in this area.[7] The proposal was not accepted, however, and Article 84 of AP I only reproduces the same wording of the above-mentioned common provisions regarding information-sharing on translations of AP I and laws and regulations relevant for its application.

Nonetheless, it would be hard to maintain that periodic reporting activities are outside the realm of IHL. Other treaties forming part of the IHL framework, such as the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954 Hague Convention) and, in particular, a series of conventions relevant to weapons regimes, have provided for mandatory periodic national reporting activities. Additionally, a progressive move can be recorded towards more informal reporting mechanisms on IHL developed outside treaty regimes, such as reports periodically submitted to the UN Secretary-General on the status of the Additional Protocols and national voluntary reports. Furthermore, considering that IHL also binds organized armed non-State actors, the present paper additionally scrutinizes self-reporting activities by armed groups connected to the Deeds of Commitment developed by Geneva Call.

After a survey of reporting mechanisms under international law, this paper will thus examine similar activities under IHL, taking stock of existing approaches

3 See the position expressed by the Dutch delegate reproduced in the *Fourth Report Drawn Up by the Special Committee of the Joint Committee*, 12 July 1949, in *Final Record of the Diplomatic Conference of Geneva of 1949*, Vol. 2(B), Federal Political Department, Bern, 1950, p. 116.

4 ICRC, *Commentary on the Third Geneva Convention: Convention (III) relative to the Treatment of Prisoners of War*, 2nd ed., Geneva, 2020, para. 5082.

5 For Resolution XXI see *International Review of the Red Cross*, Vol. 5, No. 56, 1965, pp. 583–584.

6 Yves Sandoz, Christophe Swinarski and Bruno Zimmerman (eds), *Commentary on the Additional Protocols*, ICRC, Geneva, 1987, p. 963 fn. 21: "Although there were not many of these reports, some nevertheless constituted extremely detailed contributions of great interest" which were communicated to participants of International Conferences.

7 *Ibid.*

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and practices in order to identify relevant trends, opportunities and challenges, before providing some comments on the future of reporting activities under IHL in its concluding remarks. In this regard, so as to facilitate in-depth qualitative analysis, some choices have been made.

First, the focus of the paper is on active engagement by States and organized armed groups on IHL reporting activities. As a result, the paper will not address so-called "passive reporting mechanisms", namely those "where an international organ reports on the compliance of specific States with a particular international agreement".[8] An example of this can be found in the reports arranged by the United Nations (UN) Monitoring and Reporting Mechanism on Grave Violations against Children established by UN Security Council Resolution 1612 of 2005, wherein "Parties to the conflict, including states and non-state armed groups, should not be involved in the monitoring and reporting components of the [mechanism]".[9] The same could be said for reports that regional international organizations arrange for the purpose of assessing IHL implementation by their member States, sometimes with the support of the ICRC Advisory Service.[10]

Second, while in some areas, such as weapons and disarmament, the majority of relevant conventions provide for reporting obligations,[11] a choice has been made to focus on only a few of them in order to provide a more granular analysis, for instance privileging the possibility of analyzing and comparing reporting mechanisms already provided in the original text of the treaty with other ones subsequently created by the Conferences of the Parties (COPs). The same can be said for reporting mechanisms related to specific IHL issues, such as the protection of cultural property in the event of armed conflict based on the 1954 Hague Convention and its 1999 Second Protocol, or the involvement of children in armed conflicts based on the 2000 Optional Protocol to the Convention on the Rights of the Child. Due to limitations of space, a preference was made for an in-depth analysis of the reporting system related to the protection of cultural property, due to its more structured character and the significant developments in its life cycle related to the entry into force of the 1999 Second Protocol.

8 Helen Keller, "Reporting Systems", *Max Planck Encyclopedia of Public International Law*, 2021, para. 2.

9 Office of the Special Representative of the Secretary-General for Children and Armed Conflict, UNICEF and United Nations Department of Peacekeeping Operations, *Field Manual: Monitoring and Reporting Mechanism on Grave Violations against Children in Situations of Armed Conflict*, June 2014, p. 18, available at: www.mrmtools.org/files/MRM_Field_5_June_2014.pdf (all internet references were accessed in June 2025).

10 See, in particular, activities involving the Economic Community of West African States, European Union, League of Arab States and Organization of American States. For reports of these meetings, see ICRC, "From Law to (Regional) Action: Regional Reports on the Implementation of International Humanitarian Law", 26 March 2025, available at: www.icrc.org/en/report/regional-reports-ihl-implementation.

11 See Eric P. J. Meyer and Thilo Marauhn, "Arms Control Law and International Conflict and Security Law", in Eric P. J. Myer and Thilo Marauhn (eds), *Research Handbook on International Arms Control Law*, Edward Elgar, Cheltenham, 2022, pp. 18–19; UN Institute for Disarmament Research (UNIDIR), *Reporting on Conventional Arms Trade: Synthesis Handbook*, 2018, pp. 7–17, available at: https://unidir.org/files/publication/pdfs/reporting-on-conventional-arms-trade-synthesis-handbook-en-699.pdf.

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Third, attention has predominantly been devoted to IHL instruments and initiatives specifically focused on this area. As a result, we have not engaged in an analysis of potential references to IHL in reports submitted by States as part of the Universal Periodic Review process managed by the UN Human Rights Council. Indeed, even if IHL is a body of law which is part of the assessment of this mechanism, the concrete management of national reports has undermined its potential role, as guidelines and templates arranged for national reports do not provide for a thematic section devoted to IHL.[12] This element has ultimately contributed to a situation where States, even those strongly committed to IHL[13] or engaged in armed conflicts at the time of submission of national reports,[14] commonly fail to include references to this area of law when submitting reports, even as IHL still emerges in the subsequent diplomatic-legal discussions between the State under review and other UN member States.[15]

Reporting activities in international law

Since some early examples provided by the League of Nations and the International Labour Organization (ILO) after World War I,[16] national reporting mechanisms have been present in multiple areas of international law, particularly regarding the protection of human rights and the environment,[17] as they have represented the "'lowest common denominator' concerning compliance control that States are able to agree upon".[18] Additionally, international law also highlights the presence of national reports related to soft-law instruments,[19] so as to make such instruments

12 Office of the UN High Commissioner for Human Rights, *4th Cycle Universal Periodic Review National Report – Guidance Note*, 2024, available at: www.ohchr.org/sites/default/files/documents/hrbodies/upr/infonotes/4thCycle-Guidance-Note-National-Report-EN.pdf.

13 See, for instance, Switzerland, *National Report Submitted Pursuant to Human Rights Council Resolutions 5/1 and 16/21*, UN Doc. A/HRC/WG.6/42/CHE/1, 18 October 2022, where no references to IHL are present.

14 See, for instance the 2023 reports by Israel or Russia, and the 2024 reports by the Democratic Republic of Congo or Yemen. National reports are available at: www.ohchr.org/en/hr-bodies/upr/documentation.

15 See Lijiang Zhu, "International Humanitarian Law in the Universal Periodic Review of the UN Human Rights Council", *Journal of International Humanitarian Legal Studies*, Vol. 5, No. 1–2, 2014.

16 Article 22 of the 1919 League Covenant established a "permanent Commission" to receive and examine the annual reports of States involved in the mandates system. Article 22 of the 1919 ILO Constitution requested States to submit to the ILO annual reports on the measures taken to give effect to the provisions of ILO conventions.

17 See Alexander Kiss, "Reporting Obligations and Assessment of Reports", in Ulrich Beyerlin, Peter-Tobias Stoll and Rüdiger Wolfrum (eds), *Ensuring Compliance with Multilateral Environmental Agreements*, Brill, Leiden, 2006; Jutta Brunnée, "Compliance Control", in Geir Ulfstein, Thilo Marauhn and Andreas Zimmermann (eds), *Making Treaties Work: Human Rights, Environment and Arms Control*, Cambridge University Press, Cambridge, 2007; David Kretzmer, "Human Rights, State Reports", *Max Planck Encyclopedia of Public International Law*, 2021.

18 H. Keller, above note 8, para. 1.

19 See, for instance, national reports submitted for the Midterm Review of the Implementation of the Sendai Framework 2015–2030, based on UNGA Res. 75/216, 29 December 2020, and collected at: https://sendaiframework-mtr.undrr.org/2023/mtr-sf-submissions-and-reports#voluntary.

https://doi.org/10.1017/S1816383125100635 Published online by Cambridge University Press

"harder".[20] In light of their flexible character, soft-law documents might also permit non-State stakeholders to provide reports on compliance with international standards, eventually submitted to multi-stakeholder entities.[21]

While different kinds of reporting activities can be requested from States, such as *ad hoc* information on events negatively affecting interests protected in the treaty in question,[22] the most significant examples are periodic reports providing a general overview on domestic compliance with the treaty, to be submitted at certain deadlines. Through this process, the reporting State can "conduct a comprehensive review of the measures it has taken to harmonize national law and policy with the provisions of … treaties to which it is a party; … monitor progress made; … identify problems and shortcomings …; [and] plan and develop appropriate policies".[23] Moreover, national reporting contributes to other goals which include building trust among States Parties, promoting transparency[24] and facilitating the exchange of good practices.

Taking into account that reporting activities can be instrumental in supporting compliance, as "[p]rocedural obligations are aimed at complying with the substantive ones",[25] it is therefore not unusual to recognize that reporting mechanisms have sometimes been established by meetings/COPs at a later stage, in case the relevant treaty did not originally provide for this activity.[26]

Different kinds of review processes and bodies in charge of assessing national reports are present in international law. On the one hand, reports can be considered by COPs with the support of assisting bodies such as secretariats. The latter are commonly requested to collect and consolidate reports, eventually providing some preliminary assessments on implementation practices.[27] The COPs conclude

20 Edith Brown Weiss, "Conclusions: Understanding Compliance with Soft Law", in Dinah Shelton (ed.), *Commitment and Compliance: The Role of Non-Binding Norms in the International Legal System*, Oxford University Press, Oxford, 2000.

21 See reporting activities on compliance with the International Code of Conduct for Private Security Service Providers mandated for companies to be part of the International Code of Conduct Association, a multi-stakeholder association which also includes governments and non-governmental organizations (NGOs). The Code was developed in 2010 and includes human rights and IHL principles provided in the Montreux Document and in the so-called Ruggie Framework on human rights and transnational corporations. Furthermore, the Code also provides for "incident reporting" on events such as use of weapons. On the Code, see David Wallace, "International Code of Conduct for Private Security Service Providers", *International Legal Materials*, Vol. 50, No. 1, 2011.

22 Article 2 of the 1986 Convention on Early Notification of a Nuclear Accident requires reporting to the International Atomic Energy Agency and potentially affected States in case of nuclear accidents.

23 *Harmonized Guidelines on Reporting under the International Human Rights Treaties, Including Guidelines on a Common Core Document and Treaty-Specific Documents: Report of the Inter-Committee Technical Working Group*, UN Doc. HRI/MC/2006/3, 10 May 2006.

24 Tom Sparks and Anne Peters, "Transparency Procedures", in Lavanya Rajamani and Jacqueline Peel (eds), *The Oxford Handbook of International Environmental Law*, Oxford University Press, Oxford, 2021, p. 908.

25 Fitzmaurice Malgosia, "Environmental Compliance Control", *Max Planck Encyclopedia of Public International Law*, 2021, para. 18.

26 For instance, regarding the 1971 Ramsar Convention on Wetlands of International Importance, reporting activities were requested by the COP in 1984.

27 On this role for the UN Educational, Scientific and Cultural Organization (UNESCO) Secretariat, see Kristin Hausler, "Article 16 of the 1970 UNESCO Convention: Periodic Reporting", in Ana Filipa Vrdoljak,

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the consideration of reports with the adoption of resolutions providing an overall assessment of national reporting rather than engaging in individual analysis. These fora therefore favour a political-diplomatic and non-confrontational approach over a detailed technical assessment.

On the other hand, a leading role in the revision of national reports can be played by dedicated bodies of a different nature, being potentially composed of independent experts elected by States Parties,[28] executive bodies of international organizations,[29] or treaty bodies consisting of States Parties, eventually complemented by subsidiary bodies made up of experts.[30] In this case, particularly once reports have been reviewed by independent experts, a more engaging approach could be present through active review and dialogue involving States' authorities, eventually in order to provide recommendations.

Different tools have been developed to foster the quality of reporting activities. On a procedural level, monitoring bodies or COPs are instrumental in providing concrete guidelines for national reports, thus overriding the laconic character of treaty provisions mandating for reports.[31] On a more substantial level, information provided by States' reports is sometimes complemented by ancillary documents arranged by civil society or experts,[32] thus partly limiting the disadvantages linked to the governmental origin of the information present in national reports.

Regardless of their recognized relevance and wide inclusion in treaty regimes, reporting activities have faced a series of common challenges. Often reports are submitted late or not at all by States,[33] while information can also seem incomplete. Low reporting rates and incoherent content can be attributed to lack of

Andrzej Jakubowski and Alessandro Chechi (eds), *The 1970 UNESCO and 1995 UNIDROIT Conventions on Stolen or Illegally Transferred Cultural Property: A Commentary*, Oxford University Press, Oxford, 2024, p. 393.

28 Examples include treaty bodies established under several human rights conventions.

29 For instance, according to Article 29 of the 1972 World Heritage Convention, "reports shall be brought to the attention of the World Heritage Committee". See Ben Boer, "Article 29: Reports", in Francesco Francioni and Federico Lenzerini (eds), *The 1972 World Heritage Convention: A Commentary*, Oxford University Press, 2023.

30 See, for instance, in relation to climate change law treaties, review activities by the Subsidiary Body for Implementation, made up of independent experts, and the Expert Review Teams, which can assess national reports also based on information provided by non-State sources. Daniel Bodansky, Jutta Brunée and Lavanya Rajamani (eds), *International Climate Change Law*, Oxford University Press, Oxford, 2017, pp. 152–153.

31 See, for instance, *Compilation of Guidelines on the Form and Content of Reports to Be Submitted by States Parties to the International Human Rights Treaties*, UN Doc. HRI/GEN/2/Rev.6, 3 June 2009. On the crucial role played by COPs in identifying the expected content of reports, see, for instance, A. Kiss, above note 17, pp. 235–240.

32 See, for instance, Human Rights Committee, *The Relationship of the Human Rights Committee with Nongovernmental Organizations*, UN Doc. CCPR/C/104/3, 4 June 2012. For further examples, see, for instance, Sandrine Maljean-Dubois, *International Biodiversity Law*, Brill, Leiden, 2024, pp. 345–347.

33 UN, *Compliance by States Parties with Their Reporting Obligations to International Human Rights Treaties*, 35th Meeting of Chairs of the Human Rights Treaty Bodies, 29 May–2 June 2023, para. 17, according to which, "[a]s of 30 April 2023, 160 of 197 States parties (81 per cent) were overdue in submitting initial or periodic reports".

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technical capacity, low political engagement, or reporting fatigue, considering the number of reports that States have to submit and the overlap in reporting requirements between similar treaties.[34] To face such challenges, a series of actions have been recorded, ranging from positive approaches, such as technical support activities for reporting duties,[35] to more confrontational ones. For instance, the examination of a country situation may be conducted regardless of the lack of the expected national report, or COPs may adopt a naming and shaming approach for States that have failed to comply with their reporting obligations.[36]

Against this background provided by international law, it is now possible to compare reporting activities carried out in relation to IHL in order to explore any commonalities or diverging trends.

Reporting under treaties within the IHL framework

The 1954 Hague Convention and its Second Protocol

States party to the 1954 Hague Convention and its 1999 Second Protocol are required to submit national implementation reports every four years.[37] As with other international law treaties, the provisions on reporting included in these instruments are brief and do not specify the type of information that parties must include in their reports.[38] For instance, Article 37 of the Second Protocol merely states that "the Parties shall submit …, every four years, a report on the implementation of this Protocol".[39]

Nonetheless, a complementary role has been played by the intergovernmental body established by the Second Protocol, namely the Committee for the Protection of Cultural Property in the Event of Armed Conflict (Second Protocol Committee), which consists of twelve parties elected by the Meeting of the Parties to

34 Walter Kälin, "Examination of State Reports", in Hellen Keller and Geir Ulfstein (eds), *UN Human Rights Treaty Bodies: Law and Legitimacy*, Cambridge University Press, Cambridge, 2012, p. 46.

35 See activities promoted by the UN General Assembly for reporting in human rights treaties, in UNGA Res. 68/268, 21 April 2014. In relation to reporting for the Rio Conventions, see the role played by the Global Environment Facility.

36 See, for instance, decisions adopted by the Meeting of the Parties of the Montreal Protocol on Substances that Deplete the Ozone Layer, quoted in Stephen Andersen, "Ozone Layer, International Protection", *Max Planck Encyclopedia of Public International Law*, 2021, para. 37.

37 Convention for the Protection of Cultural Property in the Event of Armed Conflict, 249 UNTS 240, 14 May 1954 (entered into force 7 August 1956) (1954 Hague Convention), Art. 26; Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, 2253 UNTS 212, 26 March 1999 (entered into force 9 March 2004) (1999 Second Protocol), Art. 37. The First Protocol to the 1954 Hague Convention does not include any reporting requirements.

38 Jan Hladik, "How the Guidelines for the Implementation of the 1999 Second Protocol to the Hague Convention of 1954 Contribute to Better Protection of Cultural Property", *International Review of the Red Cross*, Vol. 104, No. 920–921, 2022, p. 1963.

39 See also 1954 Hague Convention, above note 37, Art 26(2): "[The High Contracting Parties] shall forward to the Director-General a report giving whatever information they think suitable concerning any measures being taken, prepared or contemplated by their respective administrations in fulfilment of the present Convention and of the Regulations for its execution."

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the Second Protocol.[40] This body has been mandated, among other functions, with considering national reports and supervising the implementation of the Protocol.[41] Within this framework, it developed in 2009 the *Guidelines for the Implementation of the 1999 Second Protocol*, providing, *inter alia*, guidance to States Parties vis-à-vis the content of their reports,[42] and has regularly updated them since then.[43] In accordance with the *Guidelines*, States party to the Second Protocol must report on the implementation of provisions regarding the protection and enhanced protection of cultural property, criminal responsibility, dissemination, and technical assistance.[44] The type of information required under each of these thematic areas is further specified therein.[45] In addition, the *Guidelines* invite States party to the Second Protocol to follow the reporting period of the 1954 Hague Convention in order to align the reporting cycles under these instruments.[46]

The UN Educational, Scientific and Cultural Organization (UNESCO) Secretariat of the 1954 Hague Convention and its two (1954 and 1999) Protocols has also taken several steps to standardize the reporting procedure and guide parties throughout this process – for instance, by creating a list of issues that parties to the 1954 Hague Convention should consider in their reports.[47] Moreover, at the request of the Second Protocol Committee, the Secretariat has prepared an electronic question form for the submission of reports under the 1954 Hague Convention and its two Protocols.[48] A revised version of the aforementioned questionnaire, along with a model report on the implementation of the above instruments, was prepared by the Secretariat and presented at the 14th Meeting of the Second Protocol Committee in

40 1999 Second Protocol, above note 37, Art. 24.

41 *Ibid.*, Art. 27.

42 The *Guidelines* were developed by the Committee and endorsed by the Third Meeting of Parties to the Second Protocol in 2009. See UNESCO, Third Meeting of Parties to the Second Protocol, 23–24 November 2009, Resolution, para. 5, available at: https://unesdoc.unesco.org/ark:/48223/pf0000187759.

43 UNESCO, *Guidelines for the Implementation of the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict*, 13 December 2023, para. 127, available at: www.unesco.org/sites/default/files/medias/fichiers/2024/05/1999-SecondProtocol_Guidelines_2023_Eng.pdf?hub=415.

44 *Ibid.*

45 *Ibid.* For example, under the section "Implementation of Provisions Regarding Enhanced Protection", information is requested as to "whether the Party intends to request the inclusion of cultural property in the List" and on "the use of the emblem".

46 *Ibid.*, para. 125; UNESCO, *Consideration of National Reports on the Implementation of the 1954 Hague Convention and/or Its Two Protocols*, 16th Meeting of the Committee, 2–3 December 2021, para. 2, available at: https://unesdoc.unesco.org/ark:/48223/pf0000379957.

47 Jan Hladik, "Reporting System under the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict", *International Review of the Red Cross*, Vol. 82, No. 840, 2000, pp. 1014–1015; UNESCO, *Report on the Implementation of the 1954 Hague Convention and Its Two 1954 and 1999 Protocols: Report on the Activities from 1995 to 2004*, 2005, Section VII, pp. 25–26, available at: https://unesdoc.unesco.org/ark:/48223/pf0000140792.

48 UNESCO, Decision 9.COM 12, Ninth Meeting of the Committee, 18–19 December 2014, para. 2, available at: https://unesdoc.unesco.org/ark:/48223/pf0000231924; UNESCO, *Electronic Form for the Submission of National Reports*, 10th Meeting of the Committee, 10–11 December 2015, Annex 1, pp. 5–16, available at: https://unesdoc.unesco.org/ark:/48223/pf0000235146_eng.

https://doi.org/10.1017/S1816383125100635 Published online by Cambridge University Press

2019.[49] The revision of the reporting format was also among the recommendations provided in the evaluation report of UNESCO's cultural conventions by the organization's Internal Oversight Service (IOS), which encouraged the Secretariat to revise the reporting form "in order to improve the quality, utility and rapidity [of periodic reports], as well as to address the low reporting rate for national reports".[50]

The revised questionnaire adopted during the 14th Meeting in 2019 was used during the reporting cycle of 2017–20, where forty-six out of eighty-four parties to the Second Protocol and sixty out of 133 High Contracting Parties to the 1954 Hague Convention submitted reports.[51] As the report by the UNESCO Secretariat regarding the 2017–20 reporting cycle notes, these numbers are significantly higher than those for the 2013–16 reporting cycle.[52] Indeed, the reporting rate for States party to the 1954 Hague Convention has increased from 27% in the 2013–16 reporting cycle to 45% for the 2017–20 cycle, a fact that can be attributed to the revised electronic questionnaire and the preparation of a model report on the implementation of the 1954 Hague Convention and its two Protocols by the Secretariat, as well as increased international attention to these instruments.[53] Before the 2013–16 reporting cycle, the numbers of reports submitted under the 1954 Hague Convention, albeit significantly lower, were also on the rise. Specifically, the reporting rate of 16% for the 2008–10 cycle rose to 21% in the 2011–13 cycle.[54]

The Secretariat's report for the 2017–20 reporting cycle also includes a statistical overview of the implementation of the 1954 Hague Conventions and its Protocols which highlights, among other issues, the reporting rates per geographical group of States Parties.[55] In terms of the information included in reports, it is worth mentioning that the vast majority of States have reported the adoption of preparatory measures such as "the elaboration of inventories, the dissemination of information to the public, the adoption of basic training related to [IHL] to the military, and the

49 UNESCO, *Review of the Electronic Questionnaire Format for Submitting National Reports*, 14th Meeting of the Committee, 5–6 December 2019, Annexes 1 and 2, available at: https://unesdoc.unesco.org/ark:/48223/pf0000372547.

50 UNESCO, *Periodic Reporting Mechanism under the 1954 Hague Convention and Its Two (1954 and 1999) Protocols*, 15th Meeting of the High Contracting Parties to the 1954 Hague Convention, 11 December 2023, para. 12, available at: https://unesdoc.unesco.org/ark:/48223/pf0000387580. Concerning the reporting recommendations specific to the 1954 Hague Convention and its two Protocols, see UNESCO, *Evaluation of UNESCO's Standard-Setting Work of the Culture Sector*, Part V: *1954 Hague Convention and Its Two Protocols*, 13th Meeting of High Contracting Parties to the 1954 Hague Convention, 2 December 2019, Annex, p. 11, available at: https://unesdoc.unesco.org/ark:/48223/pf0000372492.

51 UNESCO, *Consideration of National Reports*, above note 46, paras 8–10 (Graph 1). Information related to the 2021–24 cycle was not available at the time this article was written.

52 *Ibid.*, para. 10.

53 *Ibid.*, paras 8, 10 (Graph 2); UNESCO, *Summary Records*, 16th Meeting of the Committee, 2–3 December 2021, para. 160, available at: https://unesdoc.unesco.org/ark:/48223/pf0000383761/PDF/383761eng.pdf.multi.

54 UNESCO, *Consideration of National Reports*, above note 46, para. 10 (Graph 2).

55 *Ibid.*, Annex, p. 11. For instance, Asian and Pacific States have "the lowest response level with only four reports submitted out of a total of 19 States Parties, which represents 21.1%".

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adoption of national legislation".[56] A statistical overview focusing on the number of States Parties (per geographical group) that have adopted relevant implementation measures was also included in the report prepared by the Secretariat for the 2013–16 reporting cycle, wherein the Secretariat noted that the dissemination of the 1954 Hague Convention and its Second Protocol and the adoption of preparatory measures by States party to the Protocol had been particularly successful.[57] It should be noted, however, that the Secretariat's reports rely on the information communicated by States Parties in their implementation reports and do not make any type of assessment regarding the value or veracity of the information included therein.[58]

At the time of writing, a process aimed at aligning national reporting across all of UNESCO's cultural conventions, which focuses on a single global submission date, revised reporting forms, a new common reporting platform, and joint reporting-related capacity-building activities, is ongoing.[59] In addition, further reform of the reporting process under the 1954 Hague Conventions and its two Protocols, including the online questionnaire, is under consideration by the Secretariat, in close consultation with States Parties.[60] Reflections have so far focused on the revision of the questionnaire's format to "enable the Secretariat to collect more relevant and accurate statistical and quantitative data, and to develop more pertinent needs assessments in order to offer tailored assistance to States Parties", as the reliance of the questionnaire on "yes or no" check boxes has been considered to limit the scope of the information provided.[61] Other relevant considerations include the use of a thematic approach in the questionnaire, which is currently organized by instrument, to avoid the duplication of information submitted by States Parties.[62]

In terms of the supervision of the reporting process, the Second Protocol Committee is vested, among other tasks, with the mandate "to consider and comment on reports of the Parties [to the Second Protocol], to seek clarifications as required, and prepare its own report on the implementation of this Protocol for

56 UNESCO, *Follow-Up on the Reporting Cycle (2017–2020) on the Implementation of the 1954 Hague Convention and Its Two Protocols*, 17th Meeting of the Committee, 15–16 December 2022, para. 9, available at: https://unesdoc.unesco.org/ark:/48223/pf0000383802.

57 UNESCO, *Examination of National Reports on the Implementation of the 1999 Second Protocol*, 12th Meeting of the Committee, 29–30 November 2017, Annex 2, paras 5, 13, 19, available at: https://unesdoc.unesco.org/ark:/48223/pf0000260348_eng.

58 UNESCO, *Consideration of National Reports*, above note 46, paras 4–5.

59 UNESCO, *General Reflection on Periodic Reporting*, 19th Meeting of the Committee, 11–12 December 2024, paras 5–8, available at: https://unesdoc.unesco.org/ark:/48223/pf0000391955; UNESCO, *Evaluation of UNESCO's Periodic Reporting on the Culture Sector's Conventions and Recommendations*, IOS/EVS/PI/216, March 2024, Chap. 5, para. 82, available at: https://unesdoc.unesco.org/ark:/48223/pf0000388995/PDF/388995eng.pdf.multi.

60 UNESCO, *General Reflection on Periodic Reporting*, above note 59, para. 9.

61 UNESCO, *Periodic Reporting Mechanism on the Implementation of the 1954 Hague Convention and Its Two Protocols*, 18th Meeting of the Committee, 14–15 December 2023, para. 10, available at: https://unesdoc.unesco.org/ark:/48223/pf0000387812.

62 *Ibid.*, paras 9–10.

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the Meeting of the Parties".[63] Recent practice by the Second Protocol Committee demonstrates that it takes into account reports submitted under both the Second Protocol and the 1954 Hague Convention when exercising its mandate to consider national reports.[64] This practice was encouraged by the UNESCO Secretariat given the close link between the implementation of the Second Protocol and the 1954 Hague Convention.[65] This is a positive development considering that the 1954 Hague Convention did not establish a body similar to the Second Protocol Committee,[66] and that the engagement with national reporting by the Meetings of High Contracting Parties to the 1954 Hague Convention has been limited.[67]

However, an examination of the Committee's practice highlights that this body merely consults the reports prepared by the Secretariat on the basis of the national reports received, without giving actual consideration to the information included therein, passing comment or seeking clarifications in line with its mandate under the Second Protocol.[68] For instance, during the Fifth Meeting of the Second Protocol Committee in 2010, the consideration of the thematic summary of national reports (prepared by the Secretariat) was limited to a comment by the

63 1999 Second Protocol, above note 37, Art. 27(1)(d). See also Roger O'Keefe, *The Protection of Cultural Property in Armed Conflict*, Cambridge University Press, Cambridge, 2006, p. 291, noting that the Committee's mandate to consider and comment on national reports shows an intention to make national reporting "a more serious and useful exercise".

64 The decisions of the 12th and 16th Meetings of the Committee related to the consideration of national reports state that the Committee has taken note of national reports submitted under the 1954 Hague Convention and its two Protocols: UNESCO, Decision 12.COM 5, 12th Meeting of the Committee, 29–30 November 2017, para. 4, available at: https://unesdoc.unesco.org/ark:/48223/pf0000261968; UNESCO, Decision 16.COM 11, 16th Meeting of the Committee, 2–3 December 2021, para. 2, available at: https://unesdoc.unesco.org/ark:/48223/pf0000380339.

65 See UNESCO, *Consideration of National Reports on the Implementation of the Second Protocol 2012–2013*, Eighth Meeting of the Committee, 18–19 December 2013, para. 2, available at: https://unesdoc.unesco.org/ark:/48223/pf0000230118. See also Sofia Poulopoulou, "Implementing the Obligation to Return Illicitly Exported Cultural Property to the Authorities of an Occupied Territory: Who Bears the Responsibility?", *Asian Yearbook of Human Rights and Humanitarian Law*, Vol. 5, 2021, pp. 185–186.

66 S. Poulopoulou, above note 65, p. 186; and see R. O'Keefe, above note 63, pp. 290–291, noting that "[t]he Committee's monitoring and supervising functions do not, however, substitute for the regime of international control established pursuant to article 20 of the Convention and chapter I of its Regulations".

67 Article 27 of the 1954 Hague Convention stipulates that the Meetings are mandated "to study problems concerning the application of the Convention …, and to formulate recommendations in respect thereof". Regarding references to national reporting, the recommendations adopted during the Eighth Meeting thanked the States Parties that had complied with the Convention's reporting requirements and encouraged the submission of reports by States that had not yet done so. See UNESCO, *Final Report*, Eighth Meeting of the High Contracting Parties to the 1954 Hague Convention, 23 November 2009, Adopted Recommendations, paras 3–4, available at: https://unesdoc.unesco.org/ark:/48223/pf0000187710_eng; UNESCO, *Final Report*, Fourth Meeting of the High Contracting Parties to the 1954 Hague Convention, 18 November 1999, para. 4, available at: https://unesdoc.unesco.org/ark:/48223/pf0000133242. See also S. Poulopoulou, above note 65, pp. 183–184.

68 S. Poulopoulou, above note 65, pp. 182–183, 185; Sofia Poulopoulou, "Emerging Voices: The Supervisory Functions and Practice of the Second Protocol Committee for the Protection of Cultural Property in the Event of Armed Conflict", *Opinio Juris*, 7 August 2019, available at: https://opiniojuris.org/2019/08/07/emerging-voices-the-supervisory-functions-and-practice-of-the-second-protocol-committee-for-the-protection-of-cultural-property-in-the-event-of-armed-conflict/.

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chairperson of the Committee on the number of reports submitted by States,[69] while the final report of the Eighth Meeting of the Committee in 2013 merely stated that the intergovernmental body discussed the document prepared by the Secretariat (on national reports), without specifying what the discussion had covered.[70] Following the adoption and use of an electronic questionnaire for the submission of national reports, the Secretariat has been able to collect statistical data for each question and incorporate them in its reports prepared for the Committee's consideration.[71] In spite of the new format in which the information submitted by States Parties is organized and presented by the Secretariat, the final report and decision of the Committee during its 16th Meeting in 2021 showed that the intergovernmental body had not engaged in depth with the information included in the Secretariat's report.[72]

The only case where a State party to the Second Protocol and member of the Committee has commented on the report of another State Party and referenced the Committee's mandate to consider national reports as the basis for this action was during the 12th Meeting of the Committee in 2017. During that meeting, Azerbaijan commented, as a member of the Committee, on Armenia's implementation report and sought clarifications on the information submitted in relation to the situation of Nagorno-Karabakh.[73] The request for clarifications regarding Armenia's periodic report by Azerbaijan prompted exchanges between these two countries,[74] but, as the decisions adopted during that session confirm, it did not result in any action by the Committee.[75] The exchanges between Armenia and Azerbaijan appear to be a unique incident as no similar practice has been observed in previous or subsequent meetings of the Committee. Nonetheless, this incident was sufficient to highlight that the intergovernmental nature of the Committee could pose challenges to the implementation of its mandate to consider national reports, specifically the manner in which it would publicly engage with this function, and expose its meetings to politicization risks, particularly when the discussion singles out specific States and when comments or clarifications are provided or

69 UNESCO, *Final Report*, Fifth Meeting of the Committee, 22-24 November 2010, para. 7, available at: https://unesdoc.unesco.org/ark:/48223/pf0000193018. For the thematic summary of national reports prepared by the Secretariat, see UNESCO, *Consideration of National Reports on the Implementation of the Second Protocol 2008–2010*, Fifth Meeting of the Committee, 22–24 November 2010, available at: https://unesdoc.unesco.org/ark:/48223/pf0000189716.

70 UNESCO, *Final Report*, Eighth Meeting of the Committee, 18–19 December 2013, paras 74–77, available at: https://unesdoc.unesco.org/ark:/48223/pf0000231240.

71 UNESCO, *Consideration of National Reports*, above note 46, Annex, pp. 11–22; UNESCO, above note 57, Annex 2, pp. 6–14.

72 UNESCO, *Summary Records*, above note 53, para. 162; UNESCO, Decision 16.COM 11, above note 64, para. 2.

73 UNESCO, *Final Report*, 12th Meeting of the Committee, 29–30 November 2017, para. 21, available at: https://unesdoc.unesco.org/ark:/48223/pf0000265896.

74 *Ibid.*, paras 25–27.

75 UNESCO, Decision 12.COM 5, above note 64, para. 4.

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requested by an individual member of the Committee instead of the Committee as a collective body.

Moreover, the decision adopted by the Second Protocol Committee during its 12th Meeting (concerning the consideration of national reports) requested the Secretariat to present to the 14th Meeting two reports: an analytical report presenting best practices by States Parties, and a report "analyzing the challenges met by the High Contracting Parties and formulating actions to address them, referring as appropriate to the High Contracting Parties' best practices".[76] The Secretariat's report on the latter topic highlighted shortcomings in the adoption of preparatory measures for the protection of cultural property from the foreseeable consequences of armed conflict, the training of military personnel, the adoption of national criminal legislation, and the planning of awareness-raising initiatives related to the need to protect cultural property.[77] In terms of best practices by States Parties, the preparation of inventories, the adoption of measures to transport cultural property to safe locations, systematic mapping using the Blue Shield, the development of rules of engagement specific to the protection of cultural property, the establishment of a working group comprising civilian and military actors, and the adoption of digital maps to facilitate the identification of cultural property during the conduct of hostilities are some examples of best practices identified by the Secretariat in line with its methodology.[78] While the Secretariat submitted the two above-mentioned reports to the 14th Meeting of the Committee held in 2019, the latter did not take any action in relation to the challenges identified by the Secretariat or the measures proposed to address them.[79] The Committee merely took note of the challenges identified by the Secretariat and encouraged "the Members of the Committee as well as all other Parties to the Second Protocol to disseminate and promote their good practices".[80]

The preparation by the Secretariat of an analytical report regarding good practices by States Parties was also included in the decision adopted by the 16th Meeting of the Committee in 2021 (in relation to national reports).[81] The analytical report prepared by the Secretariat, which relied on the national reports submitted for the 2017–20 reporting cycle, provides "suggestions, guidance, and examples to help States Parties to reinforce their national policies", and refers to

76 *Ibid.*, paras 7–8.

77 UNESCO, *Report on the Challenges Met by the High Contracting Parties in the Implementation of the 1954 Hague Convention and Its Two Protocols (1954 and 1999)*, INF.5.II, 14th Meeting of the Committee, 5–6 December 2019, para. 10, available at: https://unesdoc.unesco.org/ark:/48223/pf0000372562.

78 UNESCO, *Report on the Best Practices in the Implementation of the 1954 Hague Convention and Its Two (1954 and 1999) Protocols*, INF.5.I, 14th Meeting of the Committee, 5–6 December 2019, paras 22–56, available at: https://unesdoc.unesco.org/ark:/48223/pf0000372545.

79 UNESCO, above note 77, paras 11–21; UNESCO, Decision 14.COM 5, 14th Meeting of the Committee, 5–6 December 2019, available at: https://unesdoc.unesco.org/ark:/48223/pf0000372498.

80 UNESCO, Decision 14.COM 5, above note 79, paras 3–4.

81 UNESCO, Decision 16.COM 11, above note 64.

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the guiding documents that the Secretariat prepared to assist parties with specific implementation issues such as establishing a National Advisory Committee, military services to safeguard respect for cultural property, civilian and military trainings, and capacity-building measures.[82] In addition, the report provides recommendations in relation to the 2021–24 reporting cycle and states the Secretariat's readiness to engage in consultations with States with a view to reforming the reporting process.[83] On the basis of the analytical report submitted by the Secretariat, the 17th Meeting of the Committee endorsed the guiding documents prepared by the Secretariat, accepted its recommendations concerning the potential reform of the reporting process, and encouraged it to continue pursuing capacity-building initiatives.[84]

Given the above examples, the Second Protocol Committee may not take action despite the fact that it has requested the Secretariat to carry out preparatory work that would facilitate such action, or if it does, it may adopt the Secretariat's recommendations and suggestions without mandating any other action based on its own initiative. A similar observation, which also touches upon the points raised above regarding the consideration of reports by the Committee, is included in the 2024 evaluation report of UNESCO's periodic reporting by the IOS. Specifically, the report notes that while national reporting is included in the agenda of the governing bodies of all UNESCO conventions, little time is allocated to discussion and follow-up.[85] Given this situation, the recommendations provided by the IOS note that "follow-up measures that motivate States to improve both in reporting and in implementation" could help strengthen the reporting process alongside other steps.[86]

The analysis carried out in this section has demonstrated that certain challenges experienced by the reporting systems of other international treaties are also applicable to the 1954 Hague Convention and its Second Protocol. These include low reporting rates, the overlap of information relevant to the implementation of these instruments in the current reporting form, and the superficial consideration of national reports by monitoring bodies. In addition, the examination of the reporting process under the 1954 Hague Convention and its Second Protocol has underlined the importance of an institutional framework and mechanisms to support the operation and efficiency of the reporting system.

82 UNESCO, above note 56, paras 2, 7–8, 16.

83 *Ibid.*, paras 17, 19, 22. The recommendations provided in relation to the 2021–24 reporting cycle include reinforcing communication within States Parties to ensure participation and engagement of all relevant stakeholders; allocating adequate human and financial resources; providing capacity-building activities to improve accessibility of baseline data for States Parties; the involvement of advisory organizations in the reporting process; and the assessment of regional programmes and actions. *Ibid.*, para. 17.

84 UNESCO, Decision 17.COM 8, 17th Meeting of the Committee, 15–16 December 2022, available at: https://unesdoc.unesco.org/ark:/48223/pf0000384108.

85 UNESCO, *Evaluation of UNESCO's Periodic Reporting*, above note 59, pp. 15–16.

86 *Ibid.*, para. 90. Recommended measures include "capacity building on collection of cultural data and on reporting" and "allowing for sourcing of data that facilitates its verification and validation".

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Weapons conventions

States party to weapons conventions must comply with reporting requirements often referred to as "transparency measures".[87] This is the case for all weapons-related conventions examined in this article.[88] In the context of these instruments, information-sharing takes place through the submission of declarations, initial and annual reports or confidence-building measures.[89]

The reporting requirements either form part of the treaty obligations accepted by States Parties when the relevant instrument was adopted, or they have been introduced at a later stage.[90] For instance, the Biological Weapons Convention (BWC) did not provide for a reporting procedure at the time of its adoption.[91] In 1986, its Second Review Conference agreed on the implementation of "politically binding" confidence-building measures by States Parties with the objective of "prevent[ing] or reduc[ing] the occurrence of ambiguities, doubts and suspicions, and in order to improve international co-operation in the field of peaceful bacteriological (biological) activities".[92] Subsequent Review Conferences of the States Parties to the BWC elaborated the format and content of confidence-building measures, which consist in the submission of annual reports covering various topics such as "exchange

87 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, 2056 UNTS 21, 18 September 1997 (entered into force 1 March 1999) (AP Mine Ban Convention), Art. 7; Convention on Cluster Munitions, 2688 UNTS 39, 30 May 2008 (entered into force 1 August 2010) (CCM). See, additionally, Treasa Dunworth, *Compliance and Enforcement in WMD-Related Treaties*, WMDCE Series Paper 1, UNIDIR, 2019, p. 9, available at: https://unidir.org/publication/compliance-and-enforcement-in-wmd-related-treaties/. Here, Dunworth refers to "transparency mechanisms including exchanging information and systems of reporting" as an important aspect of compliance procedures in weapons of mass destruction-related treaties.

88 While noting that certain obligations imposed by the conventions examined in this section form part of the arms control law (except for the CCW and its Protocols), weapons conventions are relevant for IHL given that they prohibit the use of means of warfare. See William Boothby, *Weapons and the Law of Armed Conflict*, 2nd ed., Oxford University Press, Oxford, 2016, p. 3.

89 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, 1975 UNTS 45, 3 September 1992 (entered into force 29 April 1997) (CWC), Art. III; AP Mine Ban Convention, above note 87, Art. 7; CCM, above note 87, Art. 7. See, additionally, UN Office for Disarmament Affairs (UNODA), "Confidence-Building Measures", available at: https://disarmament.unoda.org/biological-weapons/confidence-building-measures/.

90 Stuart Casey-Maslen and Tobias Vestner, "Trends in Global Disarmament Treaties", *Journal of Conflict and Security Law*, Vol. 25, No. 3, 2020, p. 451.

91 *Ibid.*, p. 459.

92 Second Review Conference of the Parties to the Biological Weapons Convention, *Final Document*, Part II: *Final Declaration*, BWC/CONF.11/13, 30 September 1986, p. 6, available at: https://unoda-documents-library.s3.amazonaws.com/Biological_Weapons_Convention_-_Second_Review_Conference_(1986)/BWC_CONF.II_13.pdf; Filippa Lentzos, *Compliance and Enforcement in the Biological Weapons Regime*, WMDCE Series Paper 4, UNIDIR, 2019, pp. 11–12, available at: https://unidir.org/publication/compliance-and-enforcement-biological-weapons-regime. Similar to the BWC, the Convention on Certain Conventional Weapons (CCW) did not establish a reporting procedure. The submission of information on the implementation of the CCW by its States Parties was requested by the Third Review Conference of the High Contracting Parties to the CCW. See "Decision on a Compliance Mechanism Applicable to the CCW", Third Review Conference, 17 November 2006, para. 5, available at: https://front.un-arm.org/wp-content/uploads/2020/12/Compliance.pdf.

https://doi.org/10.1017/S1816383125100635 Published online by Cambridge University Press

of information on research centers and laboratories" and "declaration of legislation, regulations and other measures".[93] In addition, the Sixth Review Conference that took place in 2006 established an Implementation Support Unit, composed of staff of the UN Department of Disarmament Affairs, which, among other functions, serves as the Secretariat for the Meetings of States Parties to the BWC and assists with the exchange of confidence-building measures.[94]

National confidence-building reports constitute "the core and formal mechanism" on the basis of which States party to the BWC exchange information.[95] However, as one commentator submits, "the overall participation rates have been low, and the politically binding nature of the … process is contested, with a number of states considering participation voluntary instead".[96] Indeed, the reporting rate for the year 2022 was 54%, a percentage that has slightly increased to 57% in 2023 and 60% in 2024.[97]

Concerning other treaties prohibiting weapons of mass destruction,[98] the reporting obligations under the Chemical Weapons Convention (CWC) are "elaborate and demanding" and the information submitted by States Parties is verified by the Convention's implementation body, the Organisation for the Prohibition of Chemical Weapons (OPCW).[99] In the case of the Treaty on the Prohibition of Nuclear Weapons, its reporting obligations are limited except in instances where a nuclear-armed State, or a former one, becomes party to it.[100]

Other weapons conventions, such as the Anti-Personnel Mine Ban Convention (AP Mine Ban Convention), the Convention on Cluster Munitions (CCM), Amended Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices to the Convention on Certain Conventional

93 UNODA, above note 89; F. Lentzos, above note 92, p. 12.

94 Sixth Review Conference of the States Parties to the Biological Weapons Convention, *Final Document*, Part III: *Decisions and Recommendations*, BWC/CONF.VI/6, 20 November–8 December 2006, pp. 19–20, para. 5, available at: https://documents.un.org/doc/undoc/gen/g07/600/30/pdf/g0760030.pdf; UNODA, "Implementation Support Unit", available at: https://disarmament.unoda.org/biological-weapons/implementation-support-unit/.

95 F. Lentzos, above note 92, p. 11.

96 Una Jakob, "The Biological Weapons Convention", in E. P. J. Myer and T. Marauhn (eds), above note 11, p. 270.

97 UN, BWC Confidence Building Measures, "CBM Statistics", available at: https://bwc-cbm.un.org/statistics.

98 Regarding the 1925 Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Means of Warfare, while we note the establishment of the UN Secretary-General mechanism for the investigation of alleged violations of the 1925 Protocol reported by any member State, this mechanism did not form part of the examination undertaken in this paper as it does not provide for a treaty-based reporting procedure. This is in line with the methodological approach adopted in this paper. For more information on the above mechanism, see UNODA, "Secretary-General's Mechanism for Investigation of Alleged Use of Chemical and Biological Weapons", available at: https://disarmament.unoda.org/wmd/secretary-general-mechanism/; Bakhtiar Tuzmukhamedov, "Legal Dimensions of Arms Control Agreements: An Introductory Overview", *Recueil des cours*, Vol. 77, 2015, p. 360.

99 S. Casey-Maslen and T. Vestner, above note 90, pp. 463–464; Treasa Dunworth, "The Organisation for the Prohibition of Chemical Weapons", in E. P. J. Myer and T. Marauhn (eds), above note 11, pp. 531–532.

100 Treaty on the Prohibition of Nuclear Weapons, 729 UNTS 161, 7 July 2017 (entered into force 22 January 2021), Art. 2; S. Casey-Maslen and T. Vestner, above note 90, pp. 460, 464.

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Weapons (CCW) and Protocol V on Explosive Remnants of War to the CCW, have directly incorporated reporting obligations for their States Parties.[101] For instance, States party to the CCM, the reporting requirements of which are modelled after those included in the AP Mine Ban Convention,[102] undertake to provide information on national implementation measures, the number of cluster munitions owned or possessed, their technical characteristics, the location of contaminated areas, and the status of programmes for the destruction and clearance of cluster munitions remnants, as well as the measures adopted to provide risk education.[103] At the same time, its States Parties are also requested to report "on newly discovered stockpiles, victim assistance, national points of contact, national resources, and international cooperation and assistance".[104] Because of this, the reporting obligations under the CCM have been considered to introduce "a new baseline for transparency measures in future humanitarian and disarmament treaties".[105]

It is also worth noting that, as with the BWC, the meetings of States party to the instruments mentioned in the above paragraph have also established Implementation Support Units.[106] In the case of the CCW, the Implementation Support Unit provides, among other functions, administrative support to the Meetings and Conferences of the High Contracting Parties to the CCW, Amended Protocol II and Protocol V, and serves as "a focal point for submission of information by and to the High Contracting Parties related to the Convention and its annexed Protocols".[107] Moreover, the Conference of High Contracting Parties to Protocol V has adopted a *Guide to National Reporting under CCW Protocol V* which consists of a checklist of questions to assist States Parties in completing the national reporting forms.[108] Similarly, the guide to reporting adopted by the Meeting of the States Parties to the AP Mine Ban Convention provides simplified and up-to-date guidance to States on how to fulfil their reporting duties, aiming to "consolidate and streamline

101 AP Mine Ban Convention, above note 87, Art. 7; CCM, above note 87, Art. 7; Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, 1342 UNTS 137, 10 October 1980 (entered into force 2 December 1983) (Convention on Certain Conventional Weapons, CCW); Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, 2048 UNTS 93, amended 3 May 1996 (entered into force 3 December 1998) (CCW Amended Protocol II), Art. 13(4); Protocol V on Explosive Remnants of War, 2399 UNTS 100, 28 November 2003 (entered into force 12 November 2006) (CCW Protocol V), Art. 10(2)(b). Reporting obligations are not included under any other Protocols to the CCW.

102 Bonnie Docherty, "Article 7: Transparency Measures", in Gro Nystuen and Stuart Casey-Maslen (eds), *The Convention on Cluster Munitions: A Commentary*, Oxford University Press, Oxford, 2010, p. 423.

103 CCM, above note 87, Art. 7(1).

104 *Ibid.*; B. Doherty, above note 102, p. 423.

105 B. Doherty, above note 102, pp. 423–424.

106 Meeting of the High Contracting Parties to the CCW, *Final Report*, UN Doc. CCW/MSP/2009/5, 20 November 2009, paras 34–37, available at: https://undocs.org/en/CCW/MSP/2009/5; AP Mine Ban Convention, "Implementation Support Unit", available at: www.apminebanconvention.org/en/implementation/implementation-support-unit; Convention on Cluster Munitions, "Implementation Support Unit", available at: www.clusterconvention.org/implementation-support-unit/.

107 Meeting of the High Contracting Parties, above note 106, para. 36.

108 Fourth Conference of States Parties to CCW Protocol V, *Final Document*, UN Doc. CCW/P.V/CONF/2010/11, 14 February 2011, para. 39(a), available at: https://docs.un.org/en/CCW/P.V/CONF/2010/11.

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over 16 years of decisions on reporting", "ease the reporting burden" and "promote transparency".[109] While acknowledging the progress achieved by States Parties in their reporting practices, the Fifth Review Conference of States Parties to the AP Mine Ban Convention held in 2025 noted that "improvements can be made to align [States Parties'] reports more closely to the Guide to Reporting adopted by the States Parties".[110]

Concerning States' compliance with their reporting obligations, seventy-six out of 161 parties to the AP Mine Ban Convention submitted a report in 2018, setting the reporting rate at 47%.[111] In 2022, 46% of States Parties submitted reports, a percentage that increased to 49% in 2023.[112] These figures show that, as the Fifth Review Conference noted, the "global reporting rates continue to stagnate at approximately 50%".[113]

In their reports, States party to the AP Mine Ban Convention must provide information on the implementation of core obligations applicable to them, including mine clearance, stockpile destruction, victim assistance, retention of anti-personnel mines for permitted purposes, and national implementation measures.[114] Compliance with reporting requirements under some of the above thematic areas has been high:[115] in 2018, for instance, the reporting rates in relation to mine clearance and stockpile destruction by States Parties implementing such obligations were 90% and 100% respectively.[116] However, in other areas such as the retention of anti-personnel mines and national implementation measures, the reporting rates for States Parties concerned were significantly lower, at 62% and 18.9% respectively.[117] The 62% reporting rate for mine retention remained approximately the same in 2024 – specifically, as of 15 September 2024, only thirty-six out of sixty-one parties retaining mines (59%) had complied with their reporting requirements.[118]

109 14th Meeting of States Parties to the AP Mine Ban Convention, *Guide to Reporting*, UN Doc. APLC/MSP.14/2015/WP.2, 28 December 2015, para. 3, available at: https://documents.un.org/doc/undoc/gen/g15/293/11/pdf/g1529311.pdf.

110 Fifth Review Conference of States Parties to the AP Mine Ban Convention, *Final Document*, UN Doc. APLC/CONF/2024/15, 5 February 2025, p. 56, para. 33, available at: https://www.apminebanconvention.org/fileadmin/_APMBC-DOCUMENTS/Meetings/2024/5RC-Final-Report-en.pdf.

111 17th Meeting of States Parties to the AP Mine Ban Convention, *Status of Article 7 Reporting*, UN Doc. APLC/MSP.17/2018/9, 23 October 2018, para. 4, available at: https://old.apminebanconvention.org/fileadmin/APMBC/MSP/17MSP/President-Art7-reporting-en.pdf.

112 International Campaign to Ban Landmines (ICBL), *Landmine Monitor 2023*, November 2023, p. 30, available at: https://backend.icblcmc.org/assets/reports/Landmine-Monitors/LMM2023/Downloads/Landmine-Monitor-2023_web.pdf; ICBL, *Landmine Monitor 2024*, November 2024, p. 34, available at: https://backend.icblcmc.org/assets/reports/Landmine-Monitors/LMM2024/Downloads/Landmine-Monitor-2024-Final-Web.pdf.

113 Fifth Review Conference, above note 110, p. 56, para. 33.

114 17th Meeting of States Parties, above note 111, paras 5–6. The document notes that "Sates Parties which are not in the process of implementing core obligations under the Convention and/or that have no updated information to provide can make use of the simplified reporting tool so as to make reporting easier and quicker".

115 Fifth Review Conference, above note 110, p. 56, para. 33.

116 17th Meeting of States Parties, above note 111, para. 5.

117 *Ibid.*

118 Fifth Review Conference, above note 110, pp. 49–50, para. 6.

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Given the above, reporting on the retention of anti-personnel mines and national implementation measures remains a priority for States Parties concerned.[119]

Concerning States Parties' compliance with the reporting requirements under Protocol V to the CCW, the report by the Implementation Support Unit of the CCW notes that "on average, each year, 55% of High Contracting Parties [to Protocol V] submitted a national annual report since the adoption of the Protocol in 2005".[120] The reporting rates under Protocol V, along with those under the AP Mine Ban Convention and the BWC, therefore highlight that, on average, approximately half of the parties to the above instruments provide national reports.

In terms of monitoring activities that complement information-sharing by States Parties, it is only in the context of the CWC that the information submitted by States Parties is verified by the treaty's implementation body, which in this case is the OPCW.[121] In other weapons conventions, the reporting function is linked to the work undertaken by other bodies, particularly the COPs. For instance, the Meetings of the States Parties to both the AP Mine Ban Convention and the CCM are mandated to convene on a periodic basis and consider, among other issues, matters that arise from the submission of national reports.[122] The above observation also applies to Amended Protocol II and Protocol V to the CCW.[123]

The plenary fora for States party to Protocol V, namely the Conferences of the High Contracting Parties, have established informal Meetings of Experts as a consultation and cooperation mechanism focused on specific implementation issues, including national reporting; the outcomes of these meetings are then considered by the annual conferences.[124] For example, the section titled "National Reporting" included in the report of the 2022 Meeting of Experts discusses the reporting obligations of States party to Protocol V, the importance of the reporting function, and the number of reports submitted at the time the Meeting of Experts was convened.[125] Following a presentation by the Implementation Support

119 *Ibid.*, p. 56, para. 33.

120 16th Conference of the High Contracting Parties to CCW Protocol V, *Report on the 2022 Meeting of Experts*, UN Doc. CCW/P.V/CONF/2022/2, 14 September 2022, para. 8, available at: https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Protocol_V_Annual_Conference_(2022)/CCW-P.V-CONF-2022-2_English.pdf.

121 CWC, above note 89, Arts III, IX, VIII; T. Dunworth, above note 99, p. 530; S. Casey-Maslen and T. Vestner, above note 90, p. 461.

122 AP Mine Ban Convention, above note 87, Art. 11(1)(b); CCM, above note 87, Art. 11(1)(b).

123 CCW Protocol V, above note 101, Art. 10(2)(b); CCW Amended Protocol II, above note 101, Art. 13(3)(b).

124 First Conference of the High Contracting Parties to CCW Protocol V, *Final Document*, UN Doc. CCW/P.V/CONF, 12 November 2007, paras 38, 42, available at: http://daccess-ods.un.org/access.nsf/Get?Open&JN=G0764398.

125 16th Conference of the High Contracting Parties, above note 120, paras 5–8. Earlier reports of the Meetings of Experts follow the above approach. See 15th Conference of the High Contracting Parties to CCW Protocol V, *Report on the 2021 Meeting of Experts*, UN Doc. CCW/P.V./CONF/2021/2, 19 November 2021, paras 4–7, available at: https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-Protocol_V_Annual_Conference_(2021)/CCW-PV-CONF-2021-2_English.pdf; 13th Conference of the High Contracting Parties to CCW Protocol V, *Report on the 2019 Meeting of Experts*, UN Doc. CCW/P.V.CONF/2019/2, paras 7–10, available at: https://docs.un.org/en/CCW/P.V/CONF/2019/2.

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Unit in relation to the reporting rate, which, as mentioned above, is approximately 55%, the president-designate of the Meeting of Experts stated that "he intends to reach out to all High Contracting Parties which irregularly or rarely submit national annual reports, to assist in identifying issues, and possible solutions".[126] The 16th Conference of the High Contracting Parties to Protocol V, held in 2022, took note of the Meeting of Experts' report and decided that "High Contracting Parties are to continue with their efforts to encourage a higher rate of national reporting", including reflecting on measures to enhance their reporting methodology.[127] The need to implement transparency measures and increase reporting rates was also stressed during the Meeting of Experts in 2024.[128]

The Meeting of States Parties to the AP Mine Ban Convention has also established Standing Committees of Experts in order to "[facilitate and support] the functioning of the Convention by maintaining practical work at a high level and with particular emphasis on international cooperation among governments, international organizations and non-governmental organizations".[129] For example, in response to the low reporting rates on national implementation measures under the AP Mine Ban Convention, one of the Standing Committees, namely the Committee on Cooperative Compliance, organized a workshop to reflect on the status of implementation and to promote awareness of the significance of reporting on this topic and the tools available to States in this regard.[130]

Based on the analysis carried out in this section, the following trends can be observed. First, all treaties examined include a reporting component, a fact which confirms that national reporting is a "staple" of weapons conventions, aimed at promoting transparency among parties and enhancing confidence within the treaty regime.[131] Notwithstanding the strong focus on transparency and information exchange, the reporting systems of the instruments analyzed are impacted by low reporting rates similar to other treaties. Second, supervision of the reporting procedure varies across the instruments analyzed, with the majority of them relying on mechanisms that focus on consultations, cooperation and regular exchanges among parties. The establishment of an elaborate verification process in the case of the CWC is the exception. Third, similar to the observations drawn in relation to the 1954 Hague Convention and its Second Protocol, the analysis of the reporting

126 16th Conference of the High Contracting Parties, above note 120, para. 9.

127 16th Conference of the High Contracting Parties to CCW Protocol V, *Consideration of the Final Report*, UN Doc. CCW/P.V/CONF/2022/WP.2, 8 December 2022, para. 30, available at: https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-_Protocol_V_Annual_Conference_(2022)/CCW-P.V-CONF-2022-WP.2.pdf.

128 18th Conference of the High Contracting Parties to CCW Protocol V, *Report on the 2024 Meeting of Experts*, UN Doc. CCW/P.V/CONF/2024/2, 12 September 2024, para. 10, available at: https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-Protocol_V_Annual_Conference_(2024)/CCW-P.V-CONF-2024-2_English.pdf.

129 First Meeting of States Parties to the AP Mine Ban Convention, *Final Report*, UN Doc. APLC/MSP.1/1999/1, 20 May 1999, paras 25–26 and Annex IV, p. 27, available at: https://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=APLC/MSP.1/1999/1&Lang=E.

130 Fifth Review Conference, above note 110, p. 50, para. 8.

131 S. Casey-Maslen and T. Vestner, above note 90, pp. 459, 468; T. Dunworth, above note 87, p. 9.

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systems of weapons-related conventions underlines the importance of an institutionalized framework that provides support to States Parties in fulfilling their reporting obligations, oversees the reporting process and facilitates exchanges among parties on key implementation issues including national reporting.

Other IHL reporting initiatives

Reports submitted to the UN General Assembly on the status of the Additional Protocols

As explored above, the 1949 Geneva Conventions and their 1977 Additional Protocols do not include a mandatory periodic reporting system. This absence could be explained both by the historical context in which the Geneva Conventions were adopted, a period in which reporting activities were uncommon, and by the lack of an institutionalized meeting of the States Parties devoted to their review, as the International Conferences have not been envisaged to accommodate potential reporting reviews.

Nonetheless, reporting activities have progressively emerged in other venues, particularly within the UN. This trend originated from the ratification process of the Additional Protocols, after the UN General Assembly requested the UN Secretary-General to report on the state of signatures and ratifications of these treaties in 1977.[132] This task was originally arranged by the Secretary-General through a list provided by Switzerland, but in 1982, the General Assembly adopted a resolution introducing this issue as an item that has been biannually present in General Assembly sessions since then.[133] Its purpose was still to invite States to adhere to such treaties, but on that occasion the Secretary-General was instructed to arrange a report "on the status of the Protocols based on information received from Member States". Therefore, even if the official list of signatures and ratifications was (and still is) included in the Secretary-General's reports, States had the opportunity to directly provide information, mentioning preparatory activities, ongoing bills, or reasons for not yet endorsing the Additional Protocols, or communicating positive ratification processes. The success of this initiative was, however, quite limited: while twelve States submitted information in 1984,[134] for multiple subsequent reports less than ten States engaged in this reporting activity. Numbers dropped dramatically in 1998, when only Uruguay provided information.[135]

Still, before long, States had started to use this survey exercise to also provide information on other domestic activities helpful for the implementation of IHL.

132 See UNGA Res. 32/44, 8 December 1977, and the subsequent Secretary-General's report, UN Doc. A/34/445, 10 September 1979.

133 UNGA Res. 37/116, 16 December 1982. The current item under the General Assembly's agenda is "Status of the Protocols Additional to the Geneva Conventions of 1949 and Relating to the Protection of Victims of Armed Conflicts" (UNGA Res. 79/123, 12 December 2024).

134 UN Doc. A/39/465, 5 September 1984.

135 UN Doc. A/53/287, 26 August 1998.

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An early example can be found in the second Secretary-General's report submitted in 1986, where Denmark, which in 1984 had already communicated its ratification of the Additional Protocols,[136] did not miss the opportunity to inform on the constitution of its National IHL Committee, highlighting that body's competence, membership and early activities.[137] It was not until the 1990s, however, that other examples of reports used to share information on national initiatives, along with ratification status, could be identified. For instance, in 1992 Hungary carried out an extensive overview of domestic legislation, activities by the Hungarian Red Cross, and IHL training and dissemination to armed forces and the public,[138] and in 1994 Bolivia and Sweden reported on the establishment and activities of their National IHL Committees.[139] This was followed by similar information provided in 1996 by Australia and Ukraine,[140] and in 1998 by Uruguay.[141]

In the 2000s, this reporting exercise was mainly used to facilitate the sharing of information on domestic and international initiatives rather than to provide an update on the ratification of the Additional Protocols. In 2000, for instance, six out of the eleven reporting States (Austria, Hungary, Italy, Norway, Portugal and Venezuela) included information related to activities such as law-making efforts, National IHL Committees, training and dissemination for the armed forces and the population, engagement in international fora, and partnership with the ICRC and other actors, including a general plea of political support for IHL.[142] Also in 2000, for the first time, lengthy information provided by the ICRC on its activities was included in the UN Secretary-General's report, based on the possibility provided in the 1998 General Assembly resolution.[143] In the subsequent report, in 2002, only one State (Mexico) reported on the ratification of the Additional Protocols, while Burkina Faso, Chile, Croatia, Mauritius, Nicaragua and the Philippines provided qualitative information on national or international activities,[144] a trend that has been constantly present in subsequent reporting cycles.

This shift of focus was also reflected in the content of biannual UN General Assembly resolutions. Even if they were still calling for the ratification of the Additional Protocols, these resolutions progressively became omnibus IHL resolutions highlighting international initiatives and reiterating political endorsement for IHL. In particular, since 1998,[145] operative paragraphs of General Assembly res-

136 UN Doc. A/39/465, 5 September 1984, p. 3.

137 UN Doc. A/41/535, 24 September 1986, p. 3.

138 UN Doc. A/47/324, 30 July 1992, pp. 5–7.

139 Un Doc. A/49/255, 15 July 1994.

140 Un Doc. A/51/215, 17 July 1996

141 UN Doc. A/53/287, 26 August 1998.

142 UN Doc. A/55/173, 24 July 2000.

143 UNGA Res. 53/96, para. 9, "[r]equests the Secretary-General to submit … a report … based on information received from Member States and the International Committee of the Red Cross".

144 See, for instance, information in UN Doc. A/57/164, 11 July 2002.

145 For a shift in the content of General Assembly resolutions, see UNGA Res. 53/96, 8 December 1998.

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olutions have been used to mention and commend international IHL initiatives carried out in the reporting period, mark the adoption of new treaties and invite States to ratify them, celebrate periodic International Conferences, and encourage States to engage in a series of activities. This trend is exemplified through General Assembly Resolution 79/123 of 2024, which encourages States to accept the International Fact-Finding Commission and to ratify the 1954 Hague Convention, its Protocols, and the Optional Protocol to the Convention on the Rights to Child, and welcomes resolutions adopted at the 34th International Conference, the activities of the ICRC Advisory Service and efforts made by States to implement IHL.[146]

Engagement by States on this reporting exercise has continued to attract attention, with an average of twenty States contributing to the Secretary-General's reports for each biannual cycle since the beginning of the 2000s (at a peak of thirty-seven States in 2010),[147] even if a more significant number of States actively engage in dialogues during meetings at the General Assembly's Sixth Committee. For instance, while reports in 2022 and 2024 contained written information provided by twenty-six and nineteen States respectively, oral debates at Sixth Committee sessions involved thirty-two and thirty-four States respectively,[148] with some of them also speaking on behalf of broader groups of States. Indeed, the Sixth Committee has become a complementary venue to the Secretary-General's reports for presenting information and engaging in political dialogue on IHL.

In this way, the Sixth Committee's sessions have now assumed a twofold character. On the one hand, debates permit some States to complement at a later stage the set of information already shared by other States with the Secretary-General. Indeed, information included in their statements, focusing on their national and international initiatives, is not dissimilar in content to documents included in the Secretary-General's reports.[149] On the other hand, activities at the Sixth Committee have a more political dimension, as they are also used to reiterate political commitment toward values enshrined in IHL rules, highlight the contemporary relevance of some IHL issues, endorse ongoing international initiatives, and express concerns for alleged violations, globally or with regard to specific armed conflicts. This latter element might lead to a partial politicization of the process, as recorded in the

146 UNGA Res. 79/123, 12 December 2024.

147 UN Doc. A/65/138, 15 July 2010; UN Doc. A/65/138/Add.1, 29 September 2010.

148 For States participating at the 2024 session of the Sixth Committee, see: www.un.org/en/ga/sixth/79/summaries.shtml#35mtg. For the 2022 session, see: www.un.org/en/ga/sixth/77/protocols.shtml.

149 See, for instance, the statements made in 2024 by Brazil, informing on initiatives such as the establishment of the National IHL Committee (www.un.org/en/ga/sixth/79/pdfs/statements/protocols/35mtg_brazil.pdf), or Cuba, mentioning sections on war crimes in the new criminal code and IHL activities of the Cuban Red Cross (www.un.org/en/ga/sixth/79/pdfs/statements/protocols/35mtg_cuba.pdf). These States did not provide written contributions for the Secretary-General's report.

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past,[150] such as in 2022[151] and 2024.[152] Specific concerns for compliance with IHL can also emerge in the same national reports. Reference could be made to the 2024 submission provided by Azerbaijan, almost totally devoted to alleged violations suffered in hostilities involving Armenia,[153] while this latter State included similar claims in its 2022 report, along with information highlighting efforts for domestic implementation.[154]

Some final remarks on this reporting initiative are warranted. First, States largely autonomously engaged in transforming it beyond the original purpose provided by the General Assembly, which was limited to pushing for the ratification of the Additional Protocols. Indeed, States progressively recognized the merit of externally presenting domestic measures aimed at facilitating compliance with IHL and information related to their engagement in international initiatives, based on a trend that is now fully consolidated. Second, statements related to reporting activities held at the General Assembly's Sixth Committee progressively included a political component, reaffirming the commitment of States toward IHL, providing an endorsement for ongoing initiatives or, conversely, expressing concerns about alleged violations. Third, taking advantage of the biannual character of this reporting initiative, the Sixth Committee permits a recurrent opportunity for States to engage with IHL, also allowing small and medium-sized States to easily contribute to debates through their Permanent Missions present at the UN. Additionally, this reporting initiative has the merit of permitting States interested in sharing their good practices to take advantage of a facilitated procedure, one that is certainly less cumbersome than the national voluntary reports examined in the next section. Indeed, even if States are encouraged, for the purposes of facilitating standardization, "to consider the convenience of using a questionnaire as drafted by Member States, with the assistance of

150 See the summary of the 2010 session (www.un.org/en/ga/sixth/65/StatProtGeneva.shtml), according to which "[s]ome delegations viewed certain acts of a State, inter alia, affecting the population of the occupied territories, as instances of such violations disregarding, in their opinion, the findings and decisions of the relevant United Nations bodies. A representative of that State, however, highlighted its commitment to IHL and viewed the abovementioned views as unfounded allegations supported by one-sided and politically motivated conclusions by such bodies as the Human Rights Council's Fact-Finding Mission on the Gaza Operation." See, similarly, the summary of the 2000 session (www.un.org/law/cod/sixth/55/sixth55.htm).

151 In 2022, see, for instance, statements related to the Ukrainian/Russian armed conflict made, among others, by the EU, speaking for Members and other States (www.un.org/en/ga/sixth/77/pdfs/statements/protocols/16mtg_eu.pdf); Poland (www.un.org/en/ga/sixth/77/pdfs/statements/protocols/16mtg_poland.pdf); and Romania (www.un.org/en/ga/sixth/77/pdfs/statements/protocols/16mtg_romania.pdf). Iraq, speaking for the Arab Group, addressed Israeli military operations (www.un.org/en/ga/sixth/77/pdfs/statements/protocols/16mtg_arab_group.pdf), while Israel claimed IHL violations by Hezbollah (www.un.org/en/ga/sixth/77/pdfs/statements/protocols/17mtg_israel.pdf).

152 In 2024, statements focused on the Occupied Palestinian Territories. See, for instance, statements by Lebanon (on behalf of the Arab Group, www.un.org/en/ga/sixth/79/pdfs/statements/protocols/36mtg_arab_group.pdf); Palestine (www.un.org/en/ga/sixth/79/pdfs/statements/protocols/35mtg_palestine.pdf); and the Maldives (www.un.org/en/ga/sixth/79/pdfs/statements/protocols/35mtg_maldives.pdf). See, furthermore, the recorded meeting of the General Assembly Sixth Committee, with Israel and Palestine exercising their rights to reply (https://tinyurl.com/hvpczxcu.)

153 For the 2024 Azerbaijan report, see: www.un.org/en/ga/sixth/79/protocols/azerbaijan_e.pdf.

154 For the 2022 Armenia report, see: www.un.org/en/ga/sixth/77/protocols/armenia_e.pdf.

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the ICRC",[155] with an indirect reference to the template developed by the UK,[156] no mandatory formats are in place. States are therefore able to be flexible in providing only selective information on the most relevant updates rather than a comprehensive overview.

Still, some caveats should be made. First, there is no oversight mechanism for information shared by States. This might raise concerns about the accuracy and consistency of such information, with the additional potential flaw of making submissions and statements a static exercise that lacks engagement on their content, even if, as mentioned above, statements have sometimes led to debates. Second, States are totally free to identify what to report, and as a result, the quality and amount of shared information can vary drastically. Third, the numbers of involved States and their geographical representation could apparently be qualified as limited. For instance, in 2024, ten out of nineteen States that submitted reports belonged to States of the UN Eastern European Group and Western European and Others Group, while in 2022, fourteen States out of twenty-six that shared reports belonged to those groups.[157] Still, such quantitative data can be complemented by States' engagement at the UN General Assembly Sixth Committee in order to provide a broader overview. As mentioned above, in 2022, thirty-two States participated in oral debates at the Committee, a number that increased to thirty-four in 2024, with several of them speaking on behalf of other States.[158] Even if a certain number still belong to the Eastern European Group and the Western European and Others Group, a very significant portion of intervening States are outside these areas, making sessions more geographically balanced.

In any case, regardless of potential flaws, it is hard to dispute that the reporting mechanism linked to this General Assembly agenda item has started to play a significant role in this area, not only providing a way to engage in technical analysis on the implementation of some IHL obligations but also vesting this process with a more political dimension and making it a recurrent event in the agenda of IHL reporting activities.

National voluntary reports

Apart from initiatives managed within multilateral fora, further reporting activities have autonomously been carried out by States through national voluntary reports, which the ICRC defines as

155 UNGA Res. 79/123, 12 December 2024, para. 15.

156 See the template questionnaire, available at: www.gov.uk/government/publications/status-of-the-protocols-additional-to-the-1949-geneva-conventions-and-relating-to-the-protection-of-victims-of-armed-conflicts-template-questionnaire.

157 In 2024, reporting States not belonging to the above-mentioned groups were Burkina Faso, Cabo Verde, Colombia, El Salvador, Guatemala, Niger, Peru, Saudi Arabia and Senegal (UN Doc. A/79/174, 18 July 2024). In 2022, such States were Argentina, Brazil, Burkina Faso, Colombia, Costa Rica, Côte d'Ivoire, Cuba, El Salvador, Iran, the Philippines, Saudi Arabia and Senegal (UN Doc. A/77/264, 4 August 2022).

158 See above note 148.

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> any document drafted under the lead or with the strong involvement of a State entity, very often with the support of National IHL Committees and sometimes with the support of the [Red Cross and Red Crescent] National Society, with the purpose of describing the state of IHL implementation within its domestic legal system.[159]

Some early examples of voluntary reports can be identified in those arranged by Germany and Poland since the early 2000s.[160] However, a major shift can be recorded in recent times, linked to the proposal tabled in 2015, at the 32nd International Conference, to establish a "Meeting of States on IHL". The Concluding Report related to draft Resolution 2, which should have endorsed the initiative, maintained that "[a] periodic reporting function is an important tool for strengthening respect for IHL and should be an essential component of a regular Meeting of States".[161] Unfortunately, the overall proposal was ultimately not endorsed,[162] but it does shed light on potential initiatives in this area, as maintained in the 2019 Resolution 1 adopted by the 33rd International Conference, recommending that States should share good practices.[163] This plea for action has indeed been adopted by a series of States that have recently adopted their first voluntary report or have updated early documents (Argentina, 2024;[164] Bulgaria, 2021;[165] Canada, 2024;[166]

159 ICRC, "Voluntary Reports on the Domestic Implementation of International Humanitarian Law", 17 May 2022, available at: https://tinyurl.com/4wm6424v. The present paper does not address compatibility studies – namely, technical analysis devoted to assessing the compliance of domestic legislation with specific IHL rules.

160 For references to reports published in 2002, 2004, 2006, 2010 and 2014, see Deutsche Komitee zum Humanitären Völkerrecht, *National Implementation of International Humanitarian Law*, 2020 (German report), p. 10, available at: www.nomos-elibrary.de/de/10.5771/9783748921103.pdf?download_full_pdf=1. See also Polish Commission on International Humanitarian Law, *Ist Report on the Implementation and Dissemination of the International Humanitarian Law in the Republic of Poland*, 2009, available at: www.gov.pl/web/dyplomacja/raport-prawo-humanitarne.

161 ICRC and Switzerland, *Strengthening Compliance with International Humanitarian Law: Concluding Report*, 32IC/15/19.2, October 2015, p. 19.

162 Jelena Pejic, "Strengthening Compliance with IHL: The ICRC-Swiss Initiative", *International Review of the Red Cross*, Vol. 98, No. 901, 2016; Giulio Bartolini, "Strengthening Compliance with International Humanitarian Law: The Failed Proposal for a 'Meeting of States on International Humanitarian Law'", *Italian Yearbook of International Law*, Vol. 25, 2016.

163 33rd International Conference, Res. 1, "Bringing IHL Home: A Road Map for Better National Implementation of International Humanitarian Law", 33IC/19/R1, December 2019, para. 13.

164 Republic of Argentina, *Informe voluntario sobre la implementación del derecho internacional humanitario a nivel nacional*, 2024, available at: www.icrc.org/sites/default/files/media_file/2024-10/proyecto_informe_voluntario_nacional_dih_2024_-_23.10.2024_-_v.reseree.pdf.

165 Bulgarian Red Cross and Ministry of Foreign Affairs of the Republic of Bulgaria, *International Humanitarian Law and Its Implementation in the Republic of Bulgaria*, 2021 (Bulgarian report), available at: https://mfa.bg/upload/65854/Final_INTERNATIONAL%20HUMANITARIAN%20LAW%20AND%20ITS%20IMPLEMENTATION%20IN%20BG-EN.pdf.

166 Government of Canada, *Voluntary Report on the Implementation of International Humanitarian Law at the Domestic Level*, 2024 (Canadian report), available at: https://cdn.redcross.ca/cnchl/2024-canada-voluntary-report-on-the-domestic-implementation-of-ihl-final.pdf.

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Costa Rica, 2024;[167] Germany, fourth report in 2020;[168] Italy, 2023;[169] Poland, fifth report in 2024;[170] Romania, 2021;[171] Switzerland, 2020 and 2024;[172] Ukraine, 2024;[173] United Kingdom, 2019 and 2024;[174] Uruguay, 2022[175]), complemented by some experiences in Africa through reports not made public.[176] This process was consolidated at the 34th International Conference in 2024, where Resolution 1 encouraged States "to consider drafting voluntary reports on their domestic implementation of IHL".[177] It could therefore be expected that voluntary reports may become commonplace in IHL reporting activities.

Regarding the actors to be involved, the ICRC maintains that such documents should have official endorsement by States' authorities and must imply their involvement. This is commonly achieved under the aegis of National IHL

167 Comisión Costarricense de Derecho Internacional Humanitario, *Primer informe nacional voluntario sobre la aplicación del derecho internacional humanitario*, 2024 (Costa Rican report), available at: www.rree.go.cr/?sec=servicios&cat=prensa&cont=593&id=7729.

168 German report, above note 160.

169 Commission for the Study and Development of International Humanitarian Law, *Voluntary Report on the Implementation of International Humanitarian Law in Italy*, 2023 (Italian report), available at: https://cri.it/wp-content/uploads/2024/02/Rapporto-volontario-nazionale-sul-DIU-2023_ENG.pdf.

170 Ministry of Foreign Affairs of the Republic of Poland, *Fifth Report on the Implementation and Dissemination of International Humanitarian Law in the Republic of Poland for 2019–2023* (Polish report), available at: www.gov.pl/web/dyplomacja/raport-prawo-humanitarne.

171 National Commission for International Humanitarian Law and Government of Romania, *Voluntary Report on the Implementation of International Humanitarian Law at the Domestic Level*, 2021, available at: www.mae.ro/sites/default/files/file/anul_2021/2021_pdf/raport_diu_eng.pdf.

172 Federal Council of Switzerland, *The Implementation of International Humanitarian Law by Switzerland: Voluntary Report of the Federal Council*, 2020; Federal Council of Switzerland, *The Implementation of International Humanitarian Law by Switzerland: Second Voluntary Report of the Federal Council*, 2024 (Swiss report). Both reports are available at: www.eda.admin.ch/eda/en/fdfa/foreign-policy/international-law/international-humanitarian-law/freiwilliger-bericht-umsetzung-humanitaeres-voelkerrecht.html.

173 Ministry of Defence of Ukraine, *Voluntary Report on Implementation of International Humanitarian Law*, 2024 (Ukrainian report), available at: https://s3.eu-west-1.amazonaws.com/mod.gov.ua-statics-bucket/Voluntary_report_Mo_D_in_IHL_0fae15454a.pdf.

174 UK Foreign, Commonwealth and Development Office and Ministry of Defence, *Voluntary Report on the Implementation of International Humanitarian Law at Domestic Level*, 2nd ed., 2024 (British report), available at: www.gov.uk/government/publications/implementation-of-international-humanitarian-law-at-domestic-level-2024-voluntary-report. The 2019 edition is available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/784696/Voluntary_Report_on_the_Implementation_of_International_Humanitarian_Law_at_Domestic_Level.pdf.

175 Oriental Republic of Uruguay, *Informe voluntario sobre la aplicación del derecho internacional humanitario en el ámbito nacional*, 2022 (Uruguayan report), available at: www.gub.uy/ministerio-relaciones-exteriores/sites/ministerio-relaciones-exteriores/files/2024-05/Informe-Voluntario-UY-2022.pdf.

176 See the voluntary reports arranged by Burkina Faso and Niger, mentioned in Rachael Kitching and Anne Quintin, "The Well-Trodden Path of National International Humanitarian Law Committees", *International Review of the Red Cross*, Vol. 104, No. 920–921, 2022, p. 2006.

177 34th International Conference, Res. 1, "Building a Universal Culture of Compliance with International Humanitarian Law", 34IC/24/R1, October 2024, p. 4.

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Committees, as recognized in several voluntary reports.[178] This official character is also reflected in forewords written by ministers of foreign affairs, as occurred for the British (co-signed by the Ministry of Defence), Bulgarian, Costa Rican, Italian, Polish and Swiss reports. In other instances, the Ministry of Defence, rather than the Ministry of Foreign Affairs, could take the lead, as exemplified by the Ukrainian report.[179]

In some cases, it is possible to recognize the complementary role played by National Red Cross and Red Crescent Societies (National Societies) through support for research and drafting activities, as exemplified by the British, Bulgarian and Italian reports.[180] Furthermore, multi-stakeholder consultations have often been carried out. Apart from entities formally present in National IHL Committees, other governmental and non-governmental entities, as well as academics, have been consulted, as mentioned in the Italian, Polish and Swiss reports[181] and exemplified by credits to multiple actors in the Italian and Polish reports.

Concerning the structure of voluntary reports, it should be noted that there is no fixed model, even if mentoring activities in this area, such as the report toolkit elaborated by the UK government and the British Red Cross[182] or the structure template provided by the ICRC Advisory Service,[183] could favour standardization. Generally speaking, reports typically provide a review of the implementation of IHL at the domestic level, with focuses on mapping ratification of IHL instruments; identifying domestic IHL stakeholders, including National IHL Committees and National Societies; IHL military training and dissemination; protection of persons and objects, including emblems; means and methods of warfare; and war crimes. Analytic reviews are commonly complemented by tables listing relevant IHL treaties and domestic implementing instruments, sometimes including a list of non-binding IHL political declarations endorsed by the State, thus confirming the relevant role of those latter instruments.[184] There are exceptions to this common structure, however, as exemplified by Costa Rica's report: this report mainly maps relevant national

178 Their role is expressly mentioned in voluntary reports by Bulgaria, Canada, Costa Rica, Germany, Italy, Romania, Uruguay and Switzerland.

179 See Ukrainian report, above note 173, p. 4.

180 As mentioned in the Italian report, above note 169, p. 48, the scientific coordination, research and editorial activity of the preliminary drafting phase was carried out by the president of the Scientific Committee of the Italian Red Cross and a staff member of the Italian Red Cross. See, additionally, the British report, above note 174, p. 11, where the British Red Cross is credited for "greatly assisting with the production and publication" of the report. The Bulgarian report, above note 165, was jointly published by the Ministry of Foreign Affairs and the Bulgarian Red Cross.

181 The Italian report, above note 169, p. 48, lists more than twenty individuals interviewed during the drafting phase belonging to the ICRC, the Italian Red Cross, ministries, NGOs, research centres and universities. The Polish report, above note 170, p. 9, mentions ministries, the Polish Red Cross and civilian and military education institutions. See also Swiss report, above note 172, p. 5.

182 British report, above note 174.

183 ICRC, *National Committees and Similar Entities on International Humanitarian Law: Guidelines for Success*, 2018, Annex 3, "Model Compatibility Study".

184 British report, above note 174, pp. 88–89. References to sixteen soft-law documents span from the 2012 Copenhagen Process related to detention in military operations to the 2023 NATO Policy on Combating Trafficking in Human Beings.

https://doi.org/10.1017/S1816383125100635 Published online by Cambridge University Press

institutions and political efforts at the international level, clearly in light of Costa Rica being one of the few States without any armed forces.

Even though reports routinely address common key areas, nothing prevents States from tailoring such instruments to highlight specific elements of interest both in relation to distinctive substantive IHL areas and in relation to the political commitment of the concerned State toward IHL. On the one hand, regarding the substantive content, the introduction to the 2024 UK report mentions how the updating process was an opportunity to focus on "new topics", such as media professionals in armed conflict, public curiosity, and new technologies,[185] while the updated Swiss report has added a new section on "Current Issues", such as humanitarian exemptions to sanctions, missing persons, and new technologies.[186] On the other hand, a recurring characteristic of voluntary reports is their use to highlight, for an external audience, the diplomatic activities carried out by the concerned State in this area, providing a political dividend for that State. In some cases, this element is addressed in separate sections in order to accentuate its relevance. For instance, the Polish report includes more than ten pages on IHL issues addressed by Poland at UN fora,[187] in line with similar sections elaborated by Uruguay[188] or by Costa Rica, whose report is half-devoted to its involvement in international initiatives.[189] Aside from such distinctive drafting techniques, multiple national reports do not fail to highlight the engagement of States in several universal fora,[190] including paying specific attention to pledges presented at International Conferences, as exemplified by the Italian and Polish reports.[191] Similarly, some reports have increasingly emphasized, as distinctive elements, domestic good practices, both through separate boxes, as in the Italian and Swiss reports, or in the main narrative, as in the UK and Canadian reports. While good practices are usually linked to legislation or domestic documents, concrete practice developed in relation to armed conflicts may also be present, as exemplified by the Ukrainian report.[192]

The absence of fixed models is reflected in the length and narrative style of States' voluntary reports. These instruments are commonly limited to a few dozen pages, though regular updating can sometimes make them more substantial. An example of this is provided by the fifth Polish report, which reached around 130 pages, adding roughly thirty pages in comparison to the previous 2019 edition; the second UK report, meanwhile, has almost doubled the previous edition in page

185 British report, above note 174, p. 11.

186 Swiss report, above note 172, p. 5.

187 Polish report, above note 170, pp. 104–115.

188 Uruguayan report, above note 173, pp. 9–11.

189 Costa Rican report, above note 167, pp. 27–48.

190 See, for instance, Canadian report, above note 166, pp. 20, 23, on the sponsorship of UN resolutions on protection of medical personnel and schools; and British report, above note 174, pp. 37–44, on supporting international initiatives related to sexual violence in armed conflict, the International Criminal Court or the International Humanitarian Fact-Finding Commission.

191 Italian report, above note 169, p. 3; Polish report, above note 170, pp. 17–19.

192 Among multiple examples, see references to the use of drones for evacuating civilians, delivering humanitarian aid or capturing enemy soldiers in the Ukrainian report, above note 173, pp. 38–39, 77.

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length. Voluntary reports are commonly elaborated in plain language. This choice is intentional, as highlighted by Romania emphasizing that its report was drafted "in an accessible way to anyone interested in such matters, including the public",[193] or by the United Kingdom, which through "the question-and answer format seeks to provide a record of the United Kingdom's implementation in an accessible way to anyone with an interest in IHL matters".[194] This Q&A model has since also been adopted by Ukraine.

States commonly make reports publicly available, including in an electronic format for posting on the websites of relevant institutions. This can permit them to expand their outreach both within the same institutions involved in the drafting process, originally limited to top-level and technical offices, and with external stakeholders, such as members of parliament or non-governmental organizations (NGOs). Sometimes voluntary reports cannot be publicly disclosed, however, potentially in light of challenges to obtaining political clearance or an interest in keeping the conversation internal among concerned stakeholders; this has occurred for some reports on file with the ICRC Advisory Service.[195] For States deciding to publish their reports, translation into English is a common practice, and currently only the reports by Uruguay and Costa Rica are solely available in their original language. Translation into English permits a broader circulation of relevant practices among States and allows States to promote themselves at the global level, making their voluntary reports an instrument for furthering their legal and political agendas.

Some follow-up can also be expected. First, voluntary reports may be updated, keeping these instruments alive. Examples of recurrent reports can be noted for Germany (six reports since 2002) and Poland (five reports since 2009), recently complemented by Switzerland and the UK, which each launched their second report ahead of the 34th International Conference. It could be expected that periodic International Conferences would be a suitable occasion for States to present an updated version of their reports – this has already been mentioned in the pledge presented by Italy and the Italian Red Cross wherein they have agreed to "[c]ooperate in the updating of the Italian Voluntary report … to be published ahead of the next International Conference of the Red Cross and Red Crescent".[196]

Second, some voluntary reports include sections devoted to recommendations on future actions to be realized at the domestic level. Such sections could be a natural outcome of the extensive review and discussions held with relevant stakeholders, creating a background for identifying gaps and establishing the required trust for accepting such suggestions. That said, there is no uniform approach on

193 See the statement made by Romania at the Sixth Committee on 17 October 2022, available at: www.un.org/en/ga/sixth/77/pdfs/statements/protocols/16mtg_romania.pdf.

194 British report, above note 174, p. 11.

195 See R. Kitching and A. Quintin, above note 176, p. 2006.

196 See the pledge submitted by Italy and the Italian Red Cross, available at: https://cri.it/wp-content/uploads/2024/10/Specific-Pledge-Italy-and-IRC-IC-34-International-Conference-RCRC_FINAL-1.pdf

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this critical issue. For instance, the Bulgarian report includes detailed recommendations separately proposed by the Ministry of Foreign Affairs, the Bulgarian National Society and academics, thus permitting actors to adopt different approaches to proposed recommendations.[197] In other cases, recommendations could be more general in tone, with voluntary reports identifying the main areas where further actions could be helpful. For instance, the concluding section of the Italian report mentions how "the results of the Report highlight some areas that might imply further initiatives …. Among these: the training of the Armed Forces, also through the updating of military manuals."[198] This latter suggestion has subsequently been endorsed by the Italian Ministry of Defence, which has set up a working group for drafting a new IHL military manual.[199]

Voluntary reports can also list actions that are already planned, as for Uruguay[200] or Costa Rica, whose report lists forthcoming initiatives by States and National Societies, including ongoing bills.[201] In some cases the voluntary report has acted as a blueprint for setting out a national IHL agenda; the 2024 Swiss report, for instance, notes that the process of its drafting and updating "led to the adoption by the [National IHL Committee] of new action plans to consolidate Switzerland's implementation of IHL".[202] Even if States have developed actions plans outside the parallel engagement in voluntary reports,[203] it is clear that the stocktaking exercise linked to voluntary reports can be a good opportunity for elaborating such plans.

Voluntary national reports can thus be expected to become commonplace in IHL reporting initiatives, as also highlighted by the current Global Initiative to Galvanise Political Commitment to International Humanitarian Law.[204] This initiative's workstream devoted to National IHL Committees mentions voluntary reports as a positive asset, making their drafting process an activity to be recommended in the envisaged Universal Charter for National Committees.[205] Still, voluntary reporting initiatives have their pros and cons.

The benefits of voluntary reports can be identified at both the international and domestic levels. In the international arena, voluntary reports demonstrate tangible political attention paid by the concerned States toward IHL, emphasizing their willingness to move from its static endorsement to active engagement at a time

197 Bulgarian report, above note 165, pp. 30–32.

198 Italian report, above note 169, p. 47.

199 See the decree of the Italian Ministry of Defence on 31 October 2023 establishing the working group for this military manual (on file with author).

200 Uruguayan report, above note 173, pp. 13–19.

201 Costa Rican report, above note 167, pp. 49–51.

202 Swiss report, above note 172, p. 29. The 2024 Swiss Action Plan is available at: www.eda.admin.ch/eda/en/fdfa/foreign-policy/international-law/international-humanitarian-law/freiwilliger-bericht-umsetzung-humanitaeres-voelkerrecht.html.

203 For references to national IHL action plans, see R. Kitching and A. Quintin, above note 176, pp. 1997–1999.

204 On this initiative, see ICRC, "Global Initiative to Galvanise Political Commitment to International Humanitarian Law", available at: www.icrc.org/en/global-initiative-international-humanitarian-law.

205 ICRC, *Explainer: Global Initiative to Galvanise Political Commitment to International Humanitarian Law*, 2024, p. 5, available at: www.icrc.org/sites/default/files/media_file/2024-12/Global_initiative_to_Galvanise_pol_commitment_to_IHL_Web.pdf.

https://doi.org/10.1017/S1816383125100635 Published online by Cambridge University Press

when IHL is under multiple threats. Voluntary reports could also stimulate dialogue on IHL issues, foster transparency on IHL application and highlight good practices. At the same time, from a more selfish perspective, voluntary reports increase the political visibility of concerned States, particularly for those currently acting as forerunners.

At the domestic level, voluntary reports play multiple positive roles. First, they represent an important self-assessment tool in identifying areas requiring better implementation, particularly when States decide to move from mapping exercises to concrete actions. In addition, drafting exercises significantly strengthen the role of National IHL Committees, permitting active cooperation among stakeholders on a concrete output rather than mere involvement in their formal meetings.

Still, such instruments come with some challenges. First, a certain political commitment by governmental stakeholders is required to kick off the process and endorse its output. Furthermore, drafting a report has direct and indirect costs, requiring States to devote human and financial resources to this activity, involve dedicated staff with IHL expertise, and accept a time-consuming process; these elements might represent a challenge for some States. In this regard, the supporting role played by National Societies could be instrumental to filling potential gaps.

Finally, a potential shortcoming of voluntary reports is inherent in their characteristics. While they share with treaty-based reporting initiatives the self-evaluating character of such documents, voluntary reports are not accompanied by any follow-up or external oversight on their content, and this might further encourage States to present an overly optimistic assessment. For instance, in relation to the Canadian report, one scholar has maintained that it paints "an overall positive picture of Canada's efforts without sufficiently acknowledging the obstacles or shortcomings it would face", also referring to issues which have apparently been overlooked.[206] This assessment might have some merits, but it probably fails to recognize how voluntary reports are a State-driven initiative aimed at serving other purposes than independently scrutinizing domestic compliance with international standards.

In this area, the exceptional character of reports published by States involved in ongoing armed conflicts could create some distinctive challenges. For instance, the Ukrainian report, while largely devoted to measures adopted by that State to comply with IHL, cursorily also refers to violations attributed to Russia,[207] making reference to international documents.[208] So as to avoid transforming voluntary reports in a politicization process, it could be suggested that they focus their content on measures involving the concerned State.

206 Steve Tiwa Fomekong, "Canada's First Voluntary IHL Report: A Step forward with Opportunities for Improvement", *Humanitarian Law and Policy Blog*, 30 January 2025, available at: https://blogs.icrc.org/law-and-policy/2025/01/30/canada-s-first-voluntary-ihl-report-a-step-forward-with-opportunities-for-improvement/.

207 Ukrainian report, above note 173, p. 53.

208 *Ibid.*, p. 53 fn. 111, referring to *Children and Armed Conflict: Report of the Secretary-General*, UN Doc. A/77/895-S/2023/363, 5 June 2023, Annex A. This latter report, indeed, lists numerous violations attributed to Russia, and some cases attributed to Ukraine (paras 311–320).

https://doi.org/10.1017/S1816383125100635 Published online by Cambridge University Press

Reporting by armed groups

As mentioned above,[209] the multifaceted character of stakeholders in some areas of international law implies that self-reporting activities could also involve soft-law instruments and non-State actors interested in showing their commitment to respecting international standards, identifying problems and shortcomings, promoting transparency and building trust in the relevant constituency. IHL could apparently offer fertile ground for reporting activities in light of the relevance that non-State armed groups (NSAGs) have in this area. So far, however, only one relevant experience can be mentioned, namely the self-reporting system managed by Geneva Call.

As is well known, Geneva Call engages with NSAGs in an effort to promote respect for IHL[210] through several innovative tools such as the Deeds of Commitment[211] or unilateral declarations by NSAGs as a way to reinforce their commitment to positive change. Within this framework, Geneva Call has engaged with reporting activities by NSAGs, and the characteristics of these activities have progressively evolved; over time, Geneva Call has also changed into a primarily field-based organization with missions in areas affected by non-international armed conflict (NIAC), a situation that entails regular contact and direct engagement with NSAGs.

One of the elements included in Geneva Call's Deeds of Commitment is the consent provided by NSAGs "to allow and cooperate in the monitoring and verification of our commitment", particularly though implementation plans which outline the measures that the NSAG will adopt, the support required from Geneva Call for capacity-building, and a timeline for regular progress reports and revisions. Within this broader context, where Geneva Call also takes advantage of its in-field presence to gather information through interactions with other actors (governments, NGOs, media, affected communities), the Deeds of Commitment also mention self-reporting activities by NSAGs, through "the provision of the necessary information and reports, as may be required for such purposes in the spirit of transparency and accountability".[212] This mechanism is complemented by "incident reporting,

209 See above notes 19–21 and accompanying text.

210 On Geneva Call, see Pascal Bongard and Jonathan Somer, "Monitoring Armed Non-State Actor Compliance with Humanitarian Norms: A Look at International Mechanisms and the Geneva Call Deed of Commitment", *International Review of the Red Cross*, Vol. 93, No. 883, 2011; Ezequiel Heffes, "Non-State Actors Engaging Non-State Actors: The Experience of Geneva Call in NIACs", in Ezequiel Heffes *et al.* (eds), *International Humanitarian Law and Non-State Actors*, Springer, Berlin, 2020.

211 Currently, five Deeds of Commitment have been launched. See Geneva Call, "Deeds of Commitment", available at: www.genevacall.org/deed-of-commitments/.

212 Geneva Call, "Deed of Commitment under Geneva Call for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action", para. 3, available at: www.genevacall.org/wp-content/uploads/2023/07/Official-DoC-Banning-anti-personnel-mines.pdf. All other Deeds of Commitment developed by Geneva Call include an identical paragraph.

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and follow-up on reported incidents",[213] similarly to the *ad hoc* reporting activities included in some treaties analyzed above related to events detrimental to the concerned international instrument.[214] Through its activities, Geneva Call has thus fostered the emergence of an additional example in international law of reporting activities carried out by non-State entities in relation to soft-law instruments.

Reporting activities are a component of a broader continual engagement with NSAGs, particularly through implementation plans tailored for them, enhancing the effectiveness of the Deeds of Commitment (and unilateral declarations) through procedural and monitoring activities aimed at facilitating concrete dialogue on implementation. However, due to the sensitive character of the information at stake, and the need not to jeopardize both the complex engagement with NSAGs and the safety of staff in country missions, self-reports are not made public. Still, Geneva Call has from time to time provided some information that allows us to grasp the essence of this self-reporting mechanism.[215]

In particular, it can be noted that, similarly to treaty provisions, the wording of relevant provisions in the Deeds of Commitment is quite laconic, lacking details on timing of, forms of, or methods for sharing information. The management of this procedure is thus left to the practice of Geneva Call and has been adapted based on its evolving experience. For instance, regarding the first Deed of Commitment, devoted to anti-personnel landmines, Geneva Call originally used a reporting form modelled on the one used for reporting obligations provided by Article 7 of the AP Mine Ban Convention,[216] thus requiring information on numbers and types of anti-personnel landmines stockpiled, progresses in required activities such as stockpile destruction, possible cases of non-compliance, etc. However, based on dialogues with NSAGs, this rather bureaucratic format was simplified, making it possible to collect all the relevant information in a one-page document, potentially complemented by annexes, with each NSAG asked to appoint a focal person or group of individuals for this purpose. Similarly, so as to facilitate activities, no specific mechanism for sharing information is mandated; instead, it is possible to provide information through written correspondences (emails, letters, reports), during Meetings of Signatories to the Deeds of Commitment or in the framework of bilateral dialogues with Geneva Call. However, also in light of the development of new Deeds of Commitment, some of them not related to specific treaties or monitoring activities for States, Geneva Call has adapted the reporting templates to different typologies of Deeds and required activities provided by the tailored implementation plan.

While it is not possible to record statistics on submitted reports, past data provided by Geneva Call have emphasized significant success for this initiative. For

213 Geneva Call, *Annual Report 2023*, 2023, p. 11, available at: www.genevacall.org/wp-content/uploads/2024/05/AR_Final_Version_GC-2023_FOR_WEB.pdf.

214 See above note 21.

215 Information provided in this paragraph is based on P. Bongard and J. Somer, above note 210; and E. Heffes, above note 210. Additionally, the author interviewed Sandra Krähenmann and Kay Siangyen of Geneva Call.

216 P. Bongard and J. Somer, above note 210, p. 690.

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instance, at the occasion of the first Meeting of Signatories of the anti-personnel mine Deed of Commitment held in autumn 2004, it was noted that since "the reporting format was first circulated to signatory groups in the spring of 2004, more than half of the groups have submitted compliance reports".[217] This percentage significantly increased in later years, as in 2011 it was reported that around 90% of the signatories of this Deed (thirty-eight out of forty-one NSAGs involved at the time) provided reports, with some of the non-reporting NSAGs having basically dissolved after their past signing of the document. Similarly, in the report for the most recent Meeting of Signatories, held in 2014, it was mentioned that "[n]early all signatories have abided by their obligations to report on their implementation of the Deeds of Commitment",[218] an assessment confirmed by Geneva Call staff in 2020.[219] Quantitative data must, however, be complemented by qualitative ones. Reports have presented a variegated approach: from detailed reports including additional information to what is required in the sample form, as some NSAGs also clarified the general landmine situation and needs of technical assistance, to fragmented and partial information in other reports.[220] Still, a general proactive and constructive engagement by NSAGs has continued to be recorded.

As for follow-up activities, self-reports are part of the regular monitoring activities addressing NSAGs carried out by field missions, commonly arranged on an annual basis, and are thus helpful for engaging in dialogue with NSAGs within the framework of the implementation plan. As already recognized at the occasion of the first Meeting of Signatories, "[t]he interplay between self-monitoring, independent third party monitoring and verification missions is designed to compensate for any weakness inherent in the individual monitoring tools".[221] Self-reporting initiatives can thus play a positive role in engaging NSAGs with IHL.

Apart from the initiative managed by Geneva Call, however, IHL is short of mechanisms permitting self-reporting activities for NSAGs, regardless of their crucial role in this area. To some extent this could be due to the erratic character of NSAGs, militating against the establishment of cumbersome reporting activities in light of the potential short-lived nature of such groups. As experienced by Geneva Call, some signatories of Deeds of Commitment did not report, as they vanished after their official commitments.[222] However, in several scenarios, NSAGs have been able to be parties to NIACs for several years, if not decades. Therefore, lack of reporting activities tailored for NSAGs is just a component of the State-centric perspective of several areas of IHL, which is structurally limited in terms of incorporating NSAGs

217 Geneva Call, *Report of the First Meeting of Signatories to Geneva Call's Deed of Commitment*, 31 October–2 November 2004, p. 20, available at: www.files.ethz.ch/isn/38578/gc-nsa-report-o5.pdf.

218 Geneva Call, *The Third Meeting of Signatories to Geneva Call's Deeds of Commitment: Summary Report*, 17–20 November 2014, p. 15, available at: www.genevacall.org/wp-content/uploads/2023/06/3rd-Meeting-of-Signatories-Report-1.pdf.

219 According to E. Heffes, above note 210, p. 440, "[n]early all signatory groups have abided by their monitoring obligations [and have] provided information and reports to Geneva Call".

220 P. Bongard and J. Somer, above note 210, p. 691.

221 Geneva Call, above note 217, p. 35.

222 P. Bongard and J. Somer, above note 210, p. 691.

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into its mechanisms, even in beneficial areas such as their potential engagement with IHL compliance.

Conclusion

Taking a broader perspective on IHL reporting activities, moving away from the very limited scenario offered by IHL's core treaties, has allowed us to shed light on an unaddressed topic and to examine national IHL reporting in the overall context offered by similar international law initiatives with which such reporting shares many similarities, accompanied by some distinctive elements.

Regarding reporting activities linked to IHL treaties, it has been possible to recognize some common trends, including the mild character of review activities carried out for some treaties, particularly the 1954 Hague system, and the reporting fatigue experienced by States. In addition, our examination has highlighted some distinctive features, including the creation of reporting mechanisms even when national reporting was not originally provided for in a treaty, and a more engaging approach on reviews of reports, particularly in some weapons treaties, where reporting activities have a more transparent and confidence-building character in light of the interests at stake.

Still, reporting in the area of IHL has also been characterized by an expansion from traditional treaty-based mandatory obligations to the development of creative solutions, including voluntary reporting by States and even NSAGs. In this regard, reporting activities developed within the UN system have provided flexible opportunities for States, significantly reshaping the focus of the reporting initiative to make it a dynamic instrument both for periodically reporting on activities at the domestic and international levels and for serving as a diplomatic-political platform to engage with IHL. Similarly, the recent interest in voluntary national reports demonstrates how reporting activities can be instrumental in conducting a comprehensive review of a domestic framework, identifying shortcomings and developing appropriate policies, rather than being perceived as cumbersome for involved administrations. That said, both initiatives largely rely on a background political-legal interest by concerned States to engage with them, making their potential expansion beyond a circle of more committed like-minded States unpredictable.

Finally, similarly to other areas of international law, IHL has also experienced reporting activities related to soft-law documents, with the distinctive element in this regard being that NSAGs are the reporting entities under the creative mechanism provided by Geneva Call. In this latter example, reporting activities aim to foster continual engagement with NSAGs, also contributing to an increase in the credibility of commitments made by NSAGs in front of Geneva Call and the international community at large. Still, challenges related to the character of interlocutors have sometimes jeopardized this tool.

Regardless of potential challenges inherent in reporting activities, this paper has demonstrated that such mechanisms can play multiple functions and that their

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role should be further supported. For instance, the relevance of these activities could be brought to the attention of National IHL Committees and the ongoing Global Initiative, while the ICRC could target reporting activities both through mentoring programmes and bilateral engagement with States, so as to increase participation in, and the quality of contributions to, mandatory and voluntary initiatives. In a more far-reaching perspective, nothing would prevent Switzerland, as the depository of the core IHL instruments, from taking a more active role. Being entrusted by the Geneva Conventions and Additional Protocols with receiving information on "laws and regulations" that States may adopt to ensure their application, and with sharing such information with other parties, Switzerland could convert this passive responsibility into a proactive attitude, favouring dialogues and activities in this area and taking advantage of past proposals to create a routine voluntary reporting IHL mechanism with a more comprehensive structure than current initiatives at the UN level. Though reporting activities have largely been neglected in IHL, it is time to make them a coherent instrument for fostering compliance with its rules.

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